



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



January 4, 2011

H. Curtis Spalding
Regional Administrator
U.S. Environmental Protection Agency
EPA New England, Region 1
5 Post Office Square - Suite 100
Boston, MA 02109-3912

Dear Mr. Spalding:

I am the Agency Legal Director in the Office of Legal Counsel at the Connecticut Department of Environmental Protection ("the Department"). Pursuant to 40 CFR 131.6, in my capacity as Agency Legal Director, I am writing to provide you with this certification that the revisions to the state's Water Quality Standards noted below were duly adopted pursuant to state law.

Conn. Gen. Stat. § 22a-426(b) sets forth the procedural requirements for amending the state's water quality standards. This statute requires that the Commissioner of Environmental Protection ("the Commissioner") conduct a public hearing before adopting, amending or repealing the state's water quality standards. The statute also requires notice of such hearing specifying the waters affected by the revisions to the standards, and that the time, date, and place of the public hearing be published in the Connecticut Law Journal at least thirty days prior to the hearing and in a newspaper of general circulation in the area affected at least twice during the thirty-day period preceding the date of the hearing. Section 22a-426(b) also requires that the aforementioned hearing notice be provided by certified mail to the chief executive officer of each municipality in the area affected by the proposed revisions. In addition, prior to the public hearing, the Commissioner must make available to any interested person any information the Commissioner has as to the water which is the subject of the hearing and the standards under consideration. Interested persons must also be provided the opportunity to submit written comments regarding the proposed revisions and at the hearing any person may make a written or oral presentation. A transcript or recording of the public hearing shall be made and maintained by the Department.

In this case, the requirements described above have been met. Notice, meeting the requirements described above, was published in the Connecticut Law Journal on December 22, 2009. Since the waters affected by the proposed revisions under consideration include all of the waters of the state, notice of the proposed revisions to the Water Quality Standards was published in five newspapers of general statewide circulation.¹ Notice regarding the proposed

¹ Depending upon the newspaper, notice of the proposed revisions was published either on January 11, January 12, January 13 and again on January 25, January 26 or January 27, 2010.

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revisions was also mailed to the chief executive officer of every municipality in Connecticut on December 22, 2009. Return receipt cards confirm that the required certified mailings were sent to the chief executive officer of each municipality. The aforementioned notice regarding the proposed revisions also indicated where members of the public could review or obtain the proposed revisions under consideration. In addition, the proposed revisions have been posted on the Department's website since December 22, 2009.² Prior to the hearing, the Department made available to the public, technical support documents regarding certain issues raised by the proposed revisions under consideration.³ In addition, the Department held an informational meeting regarding the proposed revisions at its offices on January 26, 2010.

The public hearing regarding the proposed revisions was held on February 3, 2010. The hearing was recorded and the Department made and has maintained a transcript of the hearing.⁴ There was extensive oral testimony and written submissions made by interested persons. Public comments were received until March 17, 2010. The Commissioner of Environmental Protection, Amey Marrella, has approved the revisions to the state's Water Quality Standards and they have been forwarded to the Environmental Protection Agency New England, Region I for review and approval.

Upon acceptance by the federal Environmental Protection Agency, notice of the effective date of these revisions will be published in the Connecticut Law Journal as required by Conn. Gen. Stat. § 22a-426(c).

In summary, pursuant to 40 CFR 131.6, as reflected above, it is my opinion and I hereby certify that the revisions to the state's Water Quality Standards noted above were duly adopted pursuant to state law.

Sincerely yours,



Melinda Decker
Agency Legal Director

² An errata sheet identifying and addressing inadvertent omissions or errors in the proposed revisions was made available to the public and posted on the Department's website on February 3, 2010.

³ Technical support documentation regarding topics raised by the proposed revisions was made available on June 11, 2009, June 22, 2009, prior to going out to notice, and on January 19, 2010, January 29, 2010 and February 2, 2010, subsequent to going out to notice.

⁴ In addition to being maintained at the Department, a transcript of the public hearing has been posted on the Department's website.