



February 13, 2019

Sent by first class and electronic mail to:
james.creighton@ct.gov

Mr. James Creighton
CT Department of Energy and Environmental Protection
WPED
79 Elm Street
Hartford, CT 06106-5127

Re: Draft Modifications to the General Permit
for Discharges of Miscellaneous Sewer Compatible
Wastewater from Industrial Users

Dear Mr. Creighton:

The Connecticut Business & Industry Association (CBIA), through its Energy and Environment Council, appreciates this opportunity to submit comments on the above referenced draft general permit issued by the Connecticut Department of Energy and Environmental Protection (DEEP).

CBIA recognizes and appreciates DEEP's need to further streamline its permit operations and find creative solutions to ensuring protection of the environment in a manner that is efficient for the agency, industry and affected municipalities.

The draft permit proposes to transfer administrative responsibilities for administering permits and registrations for miscellaneous discharges to municipal authorities. CBIA has no objection to this concept, notwithstanding any challenges DEEP may face with respect to their authority to do so. However, we believe such a significant shift should be implemented with an "eyes wide open" understanding of the financial and technical capabilities among the municipalities undertaking these new responsibilities.

DEEP is likely, at least for a while, to receive substantial questions from both municipalities and industrial dischargers as to compliance requirements and procedures. Accordingly, we urge DEEP to ensure it has the resources to help both these entities to adjust to this new system and to do so with a mindset of compliance assistance rather than punitive enforcement. We leave it to DEEP to consider options for accomplishing this, which could include an FAQ website, an "implementation guidance document", training for municipal authorities or other strategies.

In the meantime, we offer the following initial comments which our members have identified that need to be addressed before finalizing the general permit.

Fees

Under the existing general permit, fees are specified based on the type of discharge involved and are only required for new registrations. The proposed general permit appears to give unlimited discretion to municipal POTW authority to establish whatever fee structure they choose to. CBIA feels this is a critical omission and that there should be limitations, caps and structure to the issue of municipal fees.

Registration submittals

The draft general permit lacks clarity with respect to where registrations are to be submitted. CBIA requests the proposed general permit specify that registrations, as well as all other filings under the general permit, be submitted to applicable POTW authority or WPCA.

Definitions

The draft general permit should include a definition for “treatment” such that all municipalities have a clear and unified understanding of the term. An example of where this could be a problem is in the area of adjusting pH. Does DEEP consider pH adjustment “treatment”, and thus requiring third-party certification?

Registration requirements

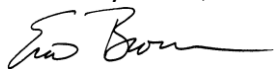
The fact sheet associated with the draft general permit states that “[t]he general permit may require registration . . .” However, Table 4-1 indicates that registration is required for all flow. CBIA would appreciate a clarification.

Compliance protection

The draft general permit indicates that an applicable discharged would not be allowed until the POTW authority approves the registration. If an industrial operation is already operating under an existing general permit and the municipality does not have the resources or is otherwise unable to act on the submitted registration in a timely manner, can industrial operation continue to discharge under its existing general permit?

Thank you again for this opportunity to provide comment. We appreciate your outreach to the regulated community and we stand ready to act as a resource for your agency as you move down this and other innovative pathways to accomplish your agency’s mission with clarity, consistency and efficiency.

Sincerely Yours,



Eric J. Brown
Vice President