

February 14, 2019

Mr. James Creighton
Bureau of Materials Management and Compliance Assurance
Department of Energy and Environmental Protection (DEEP)
79 Elm Street Owned Treatment
Hartford, CT 06106-5127

RE: Comments on Draft General Permit for Miscellaneous Discharges of Sewer Compatible (MISC) Wastewater

Dear Mr. Creighton:

The Connecticut Section of the American Water Works Association (CT Section) is an organization comprised of more than thirty Connecticut drinking water utilities that provide water to approximately 2.5 million consumers in the State. The objective of our organization is the advancement of knowledge concerning the practices of water works construction, operation, and management in order to assist Connecticut water utilities with providing a safe and adequate drinking water supply to the public.

On behalf of the CT Section, the CT Section Residuals Committee (Committee) appreciates this opportunity to comment on the Connecticut Department of Energy and Environmental Protection's (CTDEEP) draft General Permit for Miscellaneous Discharges of Sewer Compatible (MISC) Wastewater. While the Committee understands CTDEEP needs to work with the Publicly Owned Treatment Work (POTW) Authorities to transition the permit into its new form, the draft language was issued too soon and that a formal comment period at this time was not appropriate. The language needs to be better vetted first so the regulatory community is provided with a permit that is understandable. Below are the issues that were identified in the time available:

1. The current draft general permit language contains many examples of errors associated with typical "cut and paste" edits. It is suggested that the DEEP correct these errors and reissue a new draft.
2. Upon changing the approving authority from CT DEEP to the POTW authority the following registration requirements no longer make sense:
 - Section 3(b)(8) requires the registrant to certify in writing to the applicable POTW Authority that a completed copy of the registration has been submitted, and has received written approval from such authority to discharge to the POTW.
 - For Facility and Treatment System Modifications, Section 5(e)(3)(A)(vi) requires the submission of approval by the applicable POTW Authority for connection to a POTW.
3. The draft general permit does not include a definition of either "process" or "non-process" wastewater.
4. Please explain why water treatment wastewater is considered a "process" wastewater.
5. Section 4(c)(2)(N) requires existing discharges covered under the current MISC to provide a copy of the 2018 POTW approval with their registration and Section 3(b)(8) requires the registrant to certify in writing that that a completed copy of the registration has been submitted to the POTW. It is unclear why both of these are required for existing discharges and as the registrations are being submitted to the POTW Authority they will know the discharge was previously approved.

6. Treatment System Modifications - Section 5(e)(3) references Group II wastewater but then also makes reference to photographic processing wastewater which is a Group I discharge. The provisions of this section don't appear to align with Section 4(e).
7. Section 7 lists the "Commissioner's Powers". Yet it is unclear what "powers" are retained by the CTDEEP Commissioner.
8. The means and methods of fee payments to the POTW Authority should be specified by the POTW Authority and not the DEEP. For example, the POTW Authority may elect to defer payment instead of requiring it at registration or they may elect to have a refundable fee.
9. The General Permit should provide some guidance for situations where the registrant should file under the General Permit for Discharge of Wastewaters from Significant Industrial Users.
10. If CTDEEP's work with the POTW Authorities results in modifications to the General Permit, a second comment period should be offered to allow the regulated community an opportunity to comment on the changes before they are finalized.

In general, the draft language of the general permit should be rewritten to reflect the administration and enforcement of the general permit by the local POTW Authority. Simply reissuing the current language with minor word changes is confusing and sets up too many possible contradictions should the POTW Authority issue their own requirements. In the case of performance specifications for treatment system components, registrants will potentially be unable to determine which set of specifications are more stringent and therefore will be uncertain about how to comply. Permit language needs to be unambiguous for the regulated community.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at avelasquez@rwater.com or call (203) 401-2734.

Sincerely,

CT Section AWWA Residuals Committee



Amy L. Velasquez
Committee Co-Chair