



OFFICE OF THE  
WATER POLLUTION  
CONTROL DEPARTMENT

# TOWN OF VERNON

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February 14, 2019

Mr. James Creighton  
Water Permitting & Enforcement Division  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Re: DEEP's Intent to Reissue with Modifications the General Permit for Discharges of Miscellaneous Sewer Compatible Wastewater from Industrial Users

Mr. Creighton:

This letter represents public comments to DEEP's Public Notice of Intent to Issue the Misc. General Permit. Revisions to the permit alter the structure of the permit such that permitting, monitoring/inspection and enforcement of the permit duties typically performed by DEEP for the last forty years, are now moved to municipal Water Pollution Control Authorities (WPCA) and/or Publically Owned Treatment Works (POTW).

The Town of Vernon is objecting to this permit as proposed because the attempted delegation of duties under this permit represents a very large unfunded mandate. Municipal budgets are strained to find financial resources to cover present obligations and are not interested in adding substantial program initiatives that do not come with funding.

We also feel the attempt at delegation, in this fashion, lacks legal premise to do so. About forty years ago DEEP applied for and was approved by EPA for delegation of an NPDES Program. Following that, DEEP applied for and was granted approval to run a Statewide Pretreatment Program as outlined in 40 CFR Part 403.10(e) of the Clean Water Act. With this management structure in place, inclusive with all of the State Pretreatment Program requirements outlined in 40 CFR 403.10(f), local WPCA's/POTW's have never developed programs or been granted the legal authority to carry out mandates of EPA programs. Even with proper delegation, local government and WPCA structure could pose significant management/legal challenges. Any delegation, and thus authority for decision making, would rest with a WPCA, a volunteer or elected group that meets once per month; yet the day to day operations of the POTW are governed by a department within the town government structure. Therefore, the Department Director takes direction from the WPCA and the town administration which may not be in agreement on elements of the program such as enforcement. No WPCA enjoys the autonomy the state has when it comes to important initiatives/decisions. In addition the town does not have the resources of an Attorney General's Office to prosecute cases.

This local structure is further fractured by the intermunicipal agreements that exist between municipalities/WPCA's with POTW's and those that simply have collection systems and discharge waste across town boundaries for treatment in a neighboring POTW. Recently we had an issue with a discharge in

one of these towns, and with the WPCA in that town, that took 9 months to get the discharger to stop discharging. This would not have been possible without DEEP's overarching authority to issue NOV's and put pressure on the discharger to stop. Yet even with DEEP's clear authority in the matter, DEEP was notified months before the collection system WPCA was about to issue approval of this discharge and they failed to step in and indicate a permit was necessary. DEEP's idea of local control over this, or any state permit and its enforcement, would require extensive revision to intermunicipal agreements with resolution to one community enforcing/inspecting in another town's (WPCA) jurisdiction. There is a court ordered judgement regarding the implementation of an intermunicipal agreement between us and a neighboring community, it would take considerable work to change that.

We have no comfort then that if management of this permit is delegated as DEEP desires, the town will not have the backing, or the commitment, from DEEP to support the program. This has been the case with the FOG General Permit. Fifteen years after the issuance of this permit, the regulated community is unaware of its requirements because DEEP has not supported the program. About three years ago when we identified a chronic and statewide violator, DEEP refused to get involved and enforce the General Permit so that the regulated community would take notice of program requirements.

This letter, therefore, represents Vernon's objection to the proposed changes to the Misc. General Permit that put the responsibility of permitting, monitoring/inspection and enforcement of the permit to the local WPCA's/POTW's.

Robert Grasis  
Director, Vernon WPCA

C: Daniel Champagne, Mayor  
Michael Purcaro, Town Administrator  
John Anderson, Chairman Vernon WPCA