



Withdrawal and Agreement

DATE

INTRODUCTION

1. On November 4, 2016, the Connecticut Section of the American Water Works Association (CTAWWA) filed a petition for a hearing on the Comprehensive General Permit for Discharges to Surface Water and Groundwater (GP). Paul Malmrose, P. E., was designated in that petition to engage in discussions with the Connecticut Department of Energy and Environmental Protection (CT DEEP) on issues regarding the GP and, if a resolution is reached, to withdraw that petition on behalf of the CTAWWA and in accordance with Connecticut General Statute §22a-6bb.
2. DEEP staff has met numerous times with representatives of the CTAWWA. These discussions have resulted in modifications and clarifications of the original draft GP. The current version of the draft GP is dated September 8, 2017 (attached).
3. While the CTAWWA continues to have some concerns about the draft GP, it acknowledges that some of its concerns and comments have been addressed and/or incorporated to the extent possible, and it agrees that time is of the essence for the issuance of the General Permit.
4. The CTAWWA believes that the incorporation of discharge effluent limitations for iron and manganese are not sufficiently supported by currently available peer-reviewed studies or formally adopted water quality standards. The CTAWWA has not found any other State that has adopted regulatory limits or secondary values for iron and manganese based on the studies by the Wisconsin Department of Natural Resource and the United States Environmental Protection Agency (USEPA) Great Lakes Restoration Initiative, which CTDEEP cited as the basis for the effluent limitations. Nevertheless, the CTAWWA will accept the proposed limits for iron and manganese in the GP which may be reconsidered in future general permits.

5. The GP includes water quality-based permit limits for Aluminum based on the current Connecticut Water Quality Standard (WQS) for Aluminum, which is based upon USEPA water quality criteria developed in 1988. The CTAWWA and the CTDEEP both acknowledge that the USEPA has issued a July 2017 Fact Sheet (attached) detailing a proposed update of aluminum aquatic life ambient water quality criteria for freshwaters under Section 304(a)(1) of the Clean Water Act to reflect the latest scientific knowledge.
6. The CTDEEP has stated that the GP is designed to cover the great majority of dischargers, but that any discharger not satisfied or able to comply with the GP has the option to seek an individual permit that can better address individual circumstances of the discharger. A discharger that concludes that it cannot comply with the GP, but instead needs an individual permit, however, will need to apply for an individual permit. CTAWWA is concerned that more time may be required to apply for an individual permit, since the Comprehensive GP will replace the General Permit for Discharge of Water Treatment Wastewater (WTW GP) in March 2018.
7. The CTDEEP and the CTAWWA both acknowledge that insufficient data is currently available to effectively determine performance-based standards for effluent limits. However, CTDEEP will receive additional data from water utilities in the future under the GP once it becomes effective.

NOW THEREFORE, in consideration of the foregoing, the CTAWWA and CTDEEP agree to the following Stipulations.

STIPULATIONS

- A. The CTAWWA agrees to withdraw its November 4, 2016 petition for a hearing, so that CTDEEP can issue the GP, as revised on September 8, 2017.

- B. CTDEEP recognizes that CTAWWA may request that CTDEEP reconsider the effluent limitations for iron and manganese when the Commissioner publicly notices a tentative decision to reissue the GP for another 5-year term.
- C. CTDEEP recognizes that CTAWWA may request that CTDEEP consider any revisions adopted by the USEPA for the water quality criteria for Aluminum when the Commissioner publicly notices updates to Connecticut's Water Quality Standards. CTDEEP agrees to consider any new aluminum water quality criteria adopted by USEPA as part of its regular review and update to Water Quality Standards proposed after USEPA adopts new criteria for aluminum. If CTDEEP adopts revisions to the Water Quality Standards for Aluminum, CTDEEP recognizes that the water quality-based effluent limitations for Aluminum in the GP may be revised when the Commissioner publicly notices a tentative decision to reissue the GP for another 5-year term.
- D. CTDEEP recognizes that CTAWWA may at any time request that CTDEEP provide to CTAWWA effluent discharge data collected under the GP from all water utilities, which submit data, and that CTAWWA may request such data for the period from April 1, 2018 to March 31, 2019. CTAWWA may compile and analyze that data and provide a final report with recommended performance-based standards for effluent limits on or before June 28, 2019. CTDEEP agrees to consider these recommendations for revising the performance-based standards for water treatment facilities if CTDEEP determines that the standards should be revised.
- E. In the event that a water utility becomes aware that it cannot comply with one or more terms or conditions of the GP, it may file an application for an individual permit. In addition, the Commissioner may require any person or municipality initiating, creating, originating or maintaining any discharge authorized which is or may be authorized by the GP to obtain an individual permit pursuant to section 22a-430, in accordance with the provisions of section 22a-

430b(c) of the Connecticut General Statutes. Any interested person or municipality, including the discharger, may petition the commissioner to take action under section 22a-430b(c).

The undersigned certify that they are fully authorized by the State of CT DEEP or the CTWWA to enter into this Agreement.

Agreed, this 15th day of November, 2017.

Connecticut Department of Energy and Environmental Protection

by: 

Oswald Inglese, Jr.
Director
Water Permitting and Enforcement Division

Connecticut Section of the American Water Works Association

by: 

Paul Malmrose, P.E.
Chair, CT AWWA Residuals Committee