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Water Pollution Control

Sec. 22a-430-1. Delegation of permitting authority for water pollution control

(a) Definitions

“Agent” means any state agency other than the Department of Environmental Protection, any municipal water pollution control authority, any municipal building official or municipal or district director of health.

“Commercial subsurface sewage disposal system” means a subsurface sewage disposal system receiving domestic sewage from any non-residential building or buildings on the same lot or within the same project as the building or buildings served.

“Commissioner” means the Commissioner of Environmental Protection.

“Director” means the Director of the Water Compliance Unit of the Department of Environmental Protection.

“Domestic sewage” means sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or a non-residential building but not including manufacturing process water, cooling water, wastewater from water softening equipment, commercial laundry wastewater, blowdown from heating or cooling equipment, water from cellar or floor drains or surface water from roofs, paved surfaces or yard drains.

“Groundwater control system” means a system of subsurface drains and in some cases subsurface pipes which are installed to reduce the amount of groundwater entering the soil below a leaching system from a higher elevation and upon which the operation of the leaching system is dependent.

“House sewer” means a sewer pipe extending from within the building served to the septic tank.

“Household subsurface sewage disposal system” means a subsurface sewage disposal system receiving domestic sewage from a single residential building and/or associated outbuildings where such a system is located on the same lot as the building served or on an easement available for the installation, operation and maintenance of the system and which is recorded on the appropriate land records.

“Leaching system” means a structure, excavation or other facility designed to allow settled sewage to percolate into the underlying soil, without overflow, and to mix with the groundwater.

“Lot” means a parcel of land, the boundaries of which are described in a deed recorded on the appropriate land records. Any such parcels which are contiguous and are owned by the same person or municipality shall be considered one lot.

“Non-residential building” means any commercial, industrial, institutional, public or other building not occupied as a dwelling, including hotels and motels.

“Open watercourse” means a well-defined surface channel, produced wholly or in part by a definite flow of water and through which water flows continuously or intermittently, and includes any ditch, canal, aqueduct or other artificial channel for the conveyance of water to or away from a given place; or any lake, pond, or other surface body of water intermittently or permanently covered with water, fresh or tidal.

“Outbuilding” means any structure, located on the same lot as a residential building, which may be served by a subsurface sewage disposal system or a sewer service connection but which cannot be reasonably separated from the residential building with which it is associated and sold as a separate residential building.

“Public sewer” means a sewer which serves a number of buildings at least one of which is a residential building with or without associated outbuildings.

“Residential building” means any house, apartment, trailer or mobile home or other structure occupied by individuals permanently or temporarily as a dwelling place.

“Septage” means any water or material withdrawn from a septic tank which is used to treat domestic sewage.

“Septic tank” means a watertight receptacle designed and constructed so as to permit settling of solids, the digestion of organic matter and the discharge of settled sewage.

“Sewer service connection” means a sewer pipe or pipes extending from within the building served to a public sewer.

“Sewerage” means sewers and associated sewage disposal systems.

“Subsurface drain” means any pipe or other subsurface conveyance to which groundwater is transported during any season of any year.

“Subsurface pipe” means a pipe which has no loose or open joints, perforations, slots or porous openings which are intended to allow sewage or water to escape from or water to enter the pipe.

“Subsurface sewage disposal system” means a system consisting of a house sewer, a septic tank followed by a leaching system, any necessary pumps or siphons, and any groundwater control system on which the operation of the leaching system is dependent.

(b) Delegation of authority to issue permits, approvals, or orders or to hold public hearings.

(1) (A) The Commissioner may by agreement delegate authority to issue permits, approvals or orders or to hold public hearings in accordance with Section 22a-430 (f) and Section 22a-2 (b) (2) of the Connecticut General Statutes, as amended, for various categories of discharge to any agent as defined in subsection (a) of this section; and the Commissioner hereby delegates authority to the Commissioner of Health Services in accordance with Section 22a-430 (g) of the Connecticut General Statutes to issue permits, approvals, and to hold public hearings for Categories I and II. Categories I and II are hereby exempted from the requirements for public notice contained in Section 22a-430 (b) of the Connecticut General Statutes.

(B) The Commissioner may limit the scope of review by any delegated agent other than the Commissioner of Health Services to those areas in which the agent demonstrates his or her ability to provide for prompt, thorough processing of permits, approvals, or orders and to insure compliance with all statutes and regulations administered by the Commissioner and directives of the Commissioner, applicable to any category of discharge other than Category I and II.

(2) (A) Category I includes discharges of 5,000 gallons per day or less of domestic sewage to any one lot through one or more household subsurface sewage disposal systems.

(B) Category II includes discharges of 5,000 gallons per day or less of domestic sewage to any one lot through one or more commercial subsurface sewage disposal systems.

(c) Delegation process for other than category I and II

(1) Either the Commissioner may initiate the delegation process by letter to any prospective agent stating his or her intent to delegate and requesting the completion of an information form as provided by the Commissioner, or the prospective agent may initiate the delegation process by delivering to the Commissioner a completed information form. The information form shall set forth the name of the proposed

agent, the type or scope of the delegation proposed, the geographical area to be covered and such other information as the Commissioner may require.

(2) The Commissioner shall review the information form and if he or she determines that the agent is capable of providing for prompt, thorough processing of permits, approvals, or orders, holding public hearings and insuring compliance with all statutes and regulations administered by the Commissioner and directives of the Commissioner applicable to any category of discharge, he or she may enter into a delegation agreement with the agent.

(3) The delegation agreement shall provide for delegation of authority to issue permits, approvals or orders or to hold public hearings for designated categories of discharges and for reporting to the Commissioner on action taken, and may contain such other terms and conditions as the Commissioner may reasonably require.

(d) Listing of delegated agents

The Director shall maintain a listing of agents to whom the authority of the Commissioner has been delegated in accordance with these regulations. Such listing shall be maintained in a manner that additions or deletions are made as they occur. The listing may be subdivided with respect to categories of discharges and/or geographical areas at the discretion of the Director. The complete listing or any portion thereof shall be made available to interested parties on request.

(e) Discharges of domestic sewage through subsurface sewage disposal systems

(1) General Provisions:

(A) This subsection applies only to discharges of domestic sewage in volumes of 5,000 gallons per day or less through a subsurface sewage disposal system.

(B) Any expansion or reconstruction of a subsurface sewage disposal system or portion thereof other than a maintenance repair, any increase in the volume of average daily discharge over that anticipated in system design, or any change from seasonal to year-round use shall be considered a new discharge and subject to the provisions of Section 22a-430 of the Connecticut General Statutes.

(C) The Commissioner of Health Services shall periodically investigate and review those sources of discharge which are operating pursuant to any permit issued pursuant to the authority delegated in these regulations and shall report to the Director any discharge from a subsurface sewage disposal system which cannot be corrected in compliance with the minimum requirements established by the Commissioner of Health Services pursuant to Section 22a-430 (g) of the Connecticut General Statutes.

(D) No permit shall be issued pursuant to the authority delegated to the Commissioner of Health Services by these regulations for a discharge from a subsurface sewage disposal system, the operation of which is dependent upon a groundwater control system, unless:

(i) the discharge from the groundwater control system is to an open watercourse, or

(ii) the discharge from the groundwater control system is to a subsurface pipe or subsurface drain owned and maintained by a municipality as defined in Section 22a-423 of the Connecticut General Statutes or by an agency of the state or federal government, or

(iii) for residential buildings, the discharge from the groundwater control system is to the ground surface on the same lot as the subsurface sewage disposal system or on an easement available for the installation, operation, and maintenance of the system which is recorded on the appropriate land records.

(E) A groundwater control system may be constructed to serve more than one lot provided the rights and obligations of the owners to maintain the system are established by a permanent covenant approved by the Commissioner and recorded on the land records.

(F) No permit shall be issued pursuant to the authority delegated to the Commissioner of Health Services by these regulations for a discharge which is subject to the provisions of Part C of the Safe Drinking Water Act (42 USC 300f).

(2) General Procedural Requirements;

(A) An applicant for a permit to discharge domestic sewage through a subsurface sewage disposal system shall comply with the procedures established by the Commissioner of Health Services pursuant to Section 22a-430 (g) of the Connecticut General Statutes.

(Effective December 18, 1984)

Sec. 22a-430-2. Exemption from public notice

(a) **Definitions**

The definitions of the following terms used in this section shall be the same as the definitions in Section 22a-430-1 of the Regulations of Connecticut State Agencies, as amended: commissioner, domestic sewage, residential building, septage, and sewerage.

(b) In addition to the exemptions specified in Section 22a-430-1 (b) of the Regulations of Connecticut State Agencies, the following categories, types or sizes of discharges are considered not likely to cause substantial pollution and shall therefore be exempted from the requirement of notice prior to the Commissioner approving or denying an application for a permit to initiate a discharge to the waters of the state:

(1) Discharges of domestic sewage to a municipally owned sewerage system in quantities less than one percent (1%) of the average daily design flow of a sewage treatment facility which has been issued a permit by the Commissioner pursuant to Chapter 446k of the Connecticut General Statutes;

(2) Discharges to a municipally owned sewerage system of less than 5,000 gallons per day of manufacturing process water, cooling water, wastewater from water softening equipment, commercial laundry wastewater, blowdown from heating or cooling equipment, wastewater from commercial vehicle washing or building floor drains;

(3) Discharges of water from heating or cooling equipment serving a single residential building;

(4) Discharges of domestic sewage or septage from vehicles to facilities which have been issued a permit by the Commissioner pursuant to Chapter 446k of the Connecticut General Statutes.

(c) Nothing in this section shall be construed as affecting the obligation of any person or municipality to comply with the requirements of the Federal Water Pollution Control Act or the Federal Safe Drinking Water Act.

(Effective December 18, 1984)

Sec. 22a-430-3. General conditions applicable to water discharge permits

(a) **Definitions.** The following definitions shall apply to this section and section 22a-430-4 of the Regulations of Connecticut State Agencies.

(1) The definitions of the following terms used in this section shall be the same as the definitions in section 22a-430-6 of the Regulations of Connecticut State Agencies, as amended: agricultural activities; applicant; application; bakery and

confectionary wastewaters; beverage wastewaters; blowdown from heating and cooling equipment; building floor drain wastewaters; clay, gypsum, refractory, and ceramic product wastewaters; coal gasification wastewaters; coal liquification wastewaters; concrete product wastewaters; cooling water (non-contact); department; discharge point; dredging; edible oils wastewaters; explosives manufacturing wastewaters; fish hatchery and farm wastewaters; furniture manufacturing wastewaters; ground water contamination recovery system; gum and wood chemical wastewaters; hazardous waste; hazardous waste disposal area; hazardous waste facility; incinerator; miscellaneous food product wastewaters; on-site; paint and ink formulation; permit; photographic equipment, supplies wastewaters; photographic processing wastewaters; printing and publishing wastewaters; residential building; rubber processing wastewaters; septage; septage disposal area; shale oil wastewaters; shipbuilding wastewaters; shore receptor and bulk terminal wastewaters; soap, detergent and cosmetic manufacturing wastewaters; solid waste; solid waste disposal area; stormwater; swimming pool backwash; transfer station; transportation wastewaters; tumbling and cleaning of parts wastewaters; water production wastewaters.

(2) The definitions of the following terms used in this section are contained in section 22a-423 of the Connecticut General Statutes: commissioner; waters; wastes; pollution; person; municipality; discharge.

(3) As used in this section and section 22a-430-4 of the Regulations of Connecticut State Agencies:

“Acute Toxicity” means an adverse effect on aquatic life such as death or debilitation caused by short-term exposure to a substance or combination of substances.

“Aliquot sample” means a grab sample taken for the purpose of combining with other grab samples to make a composite sample.

“Average” means the arithmetic average.

“Average daily concentration” means the average concentration of a substance in a daily composite sample.

“Average daily flow” means the average of all total daily flows measured during any calendar month.

“Average daily quantity” means the average quantity of waste generated during an operating day.

“Average monthly concentration” means the average concentration of a substance as measured by the average of all daily composite samples or grab sample averages taken during any calendar month.

“Average monthly discharge limitation” means the highest allowable average of all daily discharges during any calendar month.

“Average weekly concentration” means the average concentration of all daily composite samples taken during any calendar week.

“Average weekly discharge limitation” means the highest allowable average of a substance as measured by the average of all daily discharges during any calendar week.

“BAT” means Best Available Technology Economically Achievable as specified in subparagraph (4) (A) (iii), (iv) and (vi) of subsection (l) of section 22a-430-4 of the Regulations of Connecticut State Agencies as amended.

“BCT” means Best Conventional Pollutant Control Technology as specified in subparagraph (4) (A) (ii) of subsection (l) of section 22a-430-4 of the Regulations of Connecticut State Agencies as amended.

“Bioaccumulation” means uptake and retention of substances by an organism from its surrounding medium and/or from food.

“BPT” means Best Practicable Control Technology Currently Available as specified in subparagraph (4) (A) (i) of subsection (l) of section 22a-430-4 of the Regulations of Connecticut State Agencies as amended.

“Bypass” means the diversion of wastes from any portion of the wastewater collection or treatment facilities.

“CFR” means the Code of Federal Regulations. Each citation to “CFR” which is contained in this section and section 22a-430-4 of the Regulations of Connecticut State Agencies shall be considered to incorporate the cited provision by reference as if fully set forth therein. Each cited provision is incorporated as it existed on the effective date of the provision of this section and section 22a-430-4 of the Regulations of Connecticut State Agencies which contains the citation.

“Chronic Toxicity” means an adverse effect on aquatic life such as reduced reproductive success or growth, or poor survival of sensitive life stages, caused by long-term exposure to a substance or combination of substances.

“Clean Water Act” or “CWA” means the Federal Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) 33 U.S.C. 1251 *et seq.* and applicable regulations promulgated thereunder. Unless otherwise apparent from the context, each citation to CWA, or to requirements promulgated thereunder, which is contained in this section or section 22a-430-4 of the Regulations of Connecticut State Agencies shall be considered to incorporate the cited provision by reference as if fully set forth therein. Each provision which is incorporated by reference is incorporated as it existed on the effective date of the provision of this section and section 22a-430-4 of the Regulations of Connecticut State Agencies which contains the citation.

“Composite Sample” means a sample collected over a specified period of time in order that the results are representative of the monitored activity over the same time period.

“Connecticut Water Quality Standards” means the standards adopted by the commissioner under section 22a-436 of the Connecticut General Statutes, as amended.

“Continuous Discharge” means a discharge which occurs without interruption throughout the operating day, except for infrequent stoppages for maintenance, process changes, or other similar activities.

“Conventional Pollutants” means Biochemical Oxygen Demand (Five Day), Oil and Grease, Total Suspended Solids—Nonfilterable, Fecal Coliform and pH.

“Cyanide, Amenable” means cyanide which is amenable to destruction by chlorine.

“Daily composite” means (1) a composite sample taken over a full operating day consisting of grab samples collected at equal intervals of no more than sixty (60) minutes and combined proportionally to flow, or (2) a composite sample continuously collected over a full operating day proportionally to flow. Upon submission of documentation by the applicant satisfactory to the commissioner that a discharge is of consistent effluent quality, the commissioner may allow equal sampling intervals of up to four (4) hours for a daily composite sample.

“Daily Toxicological Effluent Limit” means any limitation established to regulate the concentration or quantity of acute or chronic toxicity of a compound, mixture of compounds, or effluent discharge in a twenty four (24) hour period.

“Day” means the twenty four hour period commencing at 12:00 a.m., and, unless specified as “business day” shall mean calendar day.

“Design Flow Rate” means the flow rate on which the design of a particular wastewater collection, treatment or disposal system or part thereof is based, in order to allow compliance with chapter 446k of the Connecticut General Statutes, this section and section 22a-430-4 of the Regulations of Connecticut State Agencies.

“Dewatering Wastewaters” means uncontaminated wastewaters generated by the pumping of ground waters during construction or excavation activities.

“Director” means the Director of the Water Compliance Unit of the Department of Environmental Protection.

“Discharge Toxicity Evaluation” means a structured scientific analysis of the existing and potential acute and chronic toxicity and discharge rate of a discharge relative to available dilution in the receiving water.

“Domestic sewage” means sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or a non-residential building but not including manufacturing process water, cooling water, wastewater from water softening equipment, commercial laundry wastewater, blowdown from heating or cooling equipment, water from cellar or floor drains or surface water from roofs, paved surfaces or yard drains.

“Effluent limitation” means (1) any numerical limitation imposed by the commissioner on quantities, discharge rates or concentrations of any water, substance or material discharged to the waters of the State or (2) any limitation imposed by the commissioner on any other measure of the quality or quantity of the discharge.

“Environmental Protection Agency” or “EPA” means the United States Environmental Protection Agency.

“Existing Discharge” means a discharge which existed within the year preceding the effective date of this section or which was authorized by a valid State or NPDES permit on the effective date of this section. An existing discharge need not have operated continuously, and may include intermittent, seasonal or batch type discharges and discharges which existed only over certain times of the day.

“Furniture Refinishing Rinsewaters” means wastewaters generated by the rinsing of furniture after chemical stripping, cleaning or refinishing, not including concentrated solutions from these processes.

“Generic Substance” means a group of elements or compounds which, because of their similar effects on receiving waters or other characteristics, are appropriately identified by measurement of a common property rather than measurement of the specific elements or compounds.

“Grab sample” means an individual sample collected in less than fifteen minutes.

“Grab sample average” means the arithmetic average of all grab sample analyses. Grab samples shall be collected at least once every four hours over a full operating day for as long as a discharge exists on that day (minimum of two grab samples per day).

“Ground waters” means those waters of the state which naturally exist or flow below the surface of the ground.

“Hazardous Substance” means any substance listed in either 40 CFR Part 261 Appendix VIII, 40 CFR 116.4 or Appendix B of Section 22a-430-4 of the Regulations of Connecticut State Agencies.

“High Level Radioactive Waste” means (A) the highly radioactive material from reprocessing of spent nuclear fuel including liquid waste products generated directly in reprocessing and any solid waste derived from such liquid waste that contain

fission products in sufficient concentration; and (B) other highly radioactive material that the U.S. Department of Energy determines by rule requires permanent isolation.

“Hydrostatic Pressure Testing Wastewaters” means wastewaters generated by the hydrostatic pressure testing of water, sewer, or natural gas pipelines.

“Injection” means the subsurface emplacement of fluids by gravity or greater pressure through a well.

“kg/day” means kilograms per day.

“LC50” means the concentration of a substance, mixture of substances, or discharge which causes mortality to fifty percent of the test organisms in an acute toxicity test.

“lbs/day” means pounds per day.

“Leachate indicators” means the following substances: total dissolved solids, total suspended solids, alkalinity, total dissolved iron, total dissolved manganese, ammonia nitrogen (as nitrogen), nitrate nitrogen (as nitrogen), sodium, chlorides, volatile organic compounds (as determined by methods 8010 and 8020 described in EPA publication SW 846 entitled *Test Methods for Evaluating Solid Waste*) and twenty day biochemical oxygen demand.

“Listed substance” means any substance for which analytical results or estimates are included in a permit application.

“Maximum concentration” means the maximum concentration at any time as determined by a grab sample.

“Maximum daily concentration” means the maximum concentration as measured in a daily composite sample or a grab sample average.

“Maximum Daily Flow” means the greatest volume of wastewater to be discharged over an operating day, not to exceed the design flow rate.

“Maximum daily quantity” means the maximum quantity of waste generated during an operating day.

“mg/l” means milligrams per liter.

“Minor Blowdown from Heating and Cooling Equipment” means wastewaters generated by heating and cooling equipment that recycles water, provided that the discharge of such wastewaters has a maximum daily flow of no greater than 500,000 gallons per day.

“Minor Heat Pump Wastewaters” means wastewaters generated by the withdrawal of ground waters or surface waters for heating or cooling of a building, provided the discharge of such wastewaters has a maximum daily flow of no greater than 500,000 gallons per day.

“Minor Non-contact Cooling Water” means wastewater which has been used for cooling purposes, does not come into direct contact with a product or process, and has a maximum daily flow of no greater than 500,000 gallons per day with a minimum dilution available in the receiving stream at seven day, ten year low flow of at least ten to one.

“Minor Photographic Processing Wastewaters” means wastewater generated by the processing of photographic film, and having a maximum daily flow of no greater than 5,000 gallons per day.

“Minor Tumbling and Cleaning of Parts Wastewaters” means wastewaters generated by processing of only aluminum or unfinished steel parts for the removal of particulate metal or for cleaning, where no acids or cyanides are used in the processing, and having a maximum daily flow of no greater than 5,000 gallons per day.

“Month” means the period commencing at 12:00 a.m. on the first day of any calendar month and ending at 12:00 a.m. on the first day of the next calendar month.

“National Pollutant Discharge Elimination System” or “NPDES” means the program for issuing, modifying, revoking, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the Clean Water Act and Chapter 446k of the Connecticut General Statutes and regulations adopted thereunder.

“New Discharge” means a discharge initiated after the effective date of this section which is not an existing discharge, or an increase of an existing discharge beyond permit conditions after the effective date of this section.

“New source” means any building, structure, facility or installation from which there is or may be a discharge:

(1) the construction of which commenced

(A) After the date the current limitation applicable to such type of source was adopted in subsection (l) of section 22a-430-4 of the Regulations of Connecticut State Agencies, or

(B) After proposal of standards of performance in accordance with section 306 CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 CWA within one hundred twenty days of their proposal, and

(2) if a new source performance standard is independently applicable to it; and

(3) (A) which is constructed at a site at which no other discharge is located; or

(B) totally replaces the process or production equipment that causes the discharge at an existing facility; or

(C) whose processes are substantially independent of an existing facility at the same site, considering such factors as the extent to which the new process is integrated with the existing process and the extent to which the new facility is engaged in the same general type of activity as the existing facility.

“‘N’ Hour Average” means the average of a minimum of “N + 1” measurements obtained at regular intervals during an “N” hour period.

“No Observable Acute Effect Level or NOAEL” means the highest concentration of a substance or combination of substances which does not cause acute toxicity to aquatic organisms.

“NPDES Permit” means a permit authorizing a discharge to the surface waters of the state either directly, or indirectly by means other than through a POTW or the ground waters, which is issued by the commissioner pursuant to section 22a-430 of the Connecticut General Statutes.

“NSPS” means New Source Performance Standards as specified in subparagraph (4) (A) (vii) of subsection (l) of section 22a-430-4 of the Regulations of Connecticut State Agencies as amended.

“Operating day” means that portion of a calendar day during which a discharge exists.

“pH” means the negative logarithm of the hydrogen ion concentration.

“Pollutant” means any water, substance or material for which the permit in question specifies an effluent limitation.

“Potable Water System Flushing Wastewaters” means wastewaters generated by the periodic flushing of potable water systems using uncontaminated water.

“Privately Owned Treatment Works” means a system which is not a POTW and which is used to collect, treat and/or dispose of only nondomestic sewage from any facility whose operator is not the operator of the treatment works.

“Process Wastewater” means any wastewater which, during manufacturing, commercial, mining or silvicultural activities, comes into direct contact with, or results

from the production, use or handling of any process, raw material or intermediate or final product, byproduct or wasteproduct. This does not include cooling water (non-contact), domestic sewage, blowdown from heating and cooling equipment, stormwater, or wastewater from agricultural activities.

“PSES” means Pretreatment Standards for Existing Sources as specified in subparagraph (4) (D) (i) of subsection (l) of section 22a-430-4 of the Regulations of Connecticut State Agencies as amended.

“PSNS” means Pretreatment Standards for New Sources as specified in subparagraph (4) (D) (i) of subsection (l) of section 22a-430-4 of the Regulations of Connecticut State Agencies as amended.

“Publicly Owned Treatment Works” or “POTW” means a system used for the collection, treatment and/or disposal of sewage from more than one lot as defined in section 22a-430-1 of the Regulations of Connecticut State Agencies and which discharges to the waters of the state and which is owned by a municipality or the state.

“Quarter” means the calendar quarter beginning at 12:00 a.m. on the first day of January, April, July and October and ending at 12:00 a.m. on the first day of April, July, October and January, respectively.

“Radiator Repair Rinsewaters” means wastewaters generated by the rinsing and pressure testing of vehicle radiators, not including concentrated cleaning solutions or boil tanks.

“RCRA” means the Federal Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) and applicable regulations promulgated thereunder.

“Regional Administrator” means the Regional Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.

“Safe Drinking Water Act” or “SDWA” means the federal Safe Drinking Water Act, 42 U.S.C. 300f *et seq.* and applicable regulations promulgated thereunder.

“Seven Day, Ten Year Low Flow” means the lowest seven consecutive day mean stream discharge rate with a recurrence interval of ten (10) years.

“Severe property damage” means substantial physical damage to property, damage to the collection system or treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources. Severe property damage does not mean economic loss caused by delays in production.

“SIC Code” means Standard Industrial Classification code as specified in the Standard Industrial Classification Manual prepared by the United States Office of Management and Budget.

“State/EPA Agreement” means an agreement between the Regional Administrator and the State, which coordinates EPA and State activities, responsibilities and programs including those under the CWA programs.

“State Permit” means a permit authorizing a discharge to a POTW or to the ground waters of the state, which is issued by the commissioner pursuant to section 22a-430 of the Connecticut General Statutes.

“Substance” means one or more elements, compounds or materials which, when added to water or wastewater, may alter the physical, chemical, biological or other characteristic of the water or wastewater. When used in this section and section 22a-430-4 of the Regulations of Connecticut State Agencies, the term substance includes heat, radiation, color and conventional pollutants.

“Surface Waters” means those waters of the state which are not ground waters.

“Swimming Pool Cleaning Wastewaters” means wastewaters generated by the chemical cleaning of the sidewalls of the swimming pool.

“Swimming Pool Draining Wastewaters” means wastewaters generated by the draining of a swimming pool and does not include washwaters generated by the chemical cleaning of the sidewalls of the swimming pool.

“Total daily flow” means the total flow of wastewater over an operating day.

“Toxic Substance” means any substance listed as toxic in Appendix B or Appendix D of section 22a-430-4 of the Regulations of Connecticut State Agencies as amended.

“Treatment Facility” means a system or any part thereof the purpose of which is to improve the chemical, physical or biological quality of a waste or wastewater discharge, including pretreatment facilities discharging to a POTW.

“Underground injection control program” or “UIC program” means the program under Part C of the Safe Drinking Water Act, Chapter 446k of the Connecticut General Statutes and section 22a-430-8 of the Regulations of Connecticut State Agencies.

“Variance” means any mechanism or provision which allows modification or waiver of a generally applicable requirement of this section or section 22a-430-4 of the Regulations of Connecticut State Agencies.

“Vehicle Service Floor Drain Wastewater” means wastewater generated from floor washdown and drippings from vehicles in vehicle service areas.

“Week” means the period commencing at 12:00 a.m. on Sunday and ending at 12:00 a.m. on the following Sunday.

“Zone of Influence” means the spatial area or volume of receiving water flow within which some degradation of water quality or use impairment is anticipated to occur as a result of a discharge.

“Zone of Passage” means the spatial area or volume of flow within which the concentration of any substance resulting from a discharge is below the level which would impede or prohibit the passage of free swimming and drifting organisms in the receiving waters.

(b) **General.**

(1) Applicable provisions.

(A) Each person or municipality holding a permit as of the effective date of this section, issued pursuant to section 22a-430 of the Connecticut General Statutes, shall comply with subsections (a) through (n) of this section, except subsection (j) (2), and with subsections (a), (b), (l), (o), (q), (r), (s) and (t) of section 22a-430-4 of the Regulations of Connecticut State Agencies. Existing permit conditions not superseded by said subsections shall remain in effect. However, the commissioner may, in accordance with sections 22a-6, 22a-7, or 22a-416 through 22a-471 of the Connecticut General Statutes, issue an order to a person or municipality holding a permit as of the effective date of this section to meet the requirements of this section and section 22a-430-4 of the Regulations of Connecticut State Agencies.

(B) Each person or municipality receiving a new or renewed permit pursuant to section 22a-430 shall comply with subsections (a) through (r) of this section and subsections (b), (l), (o), (q), (r), (s) and (t) of section 22a-430-4 of the Regulations of Connecticut State Agencies.

(C) Each new or renewed permit shall include all applicable provisions of this section and section 22a-430-4 of the Regulations of Connecticut State Agencies either expressly or by reference to a specific section.

(D) Provisions noted as “for NPDES permits” shall apply only to those persons or municipalities applying for or holding an NPDES permit. An applicable requirement is a statutory or regulatory requirement which takes effect prior to the issuance

of the final determination under subsection (i) of section 22a-430-4 of the Regulations of Connecticut State Agencies, except as specified in subparagraph (l) (3) (A) of section 22a-430-4 of the Regulations of Connecticut State Agencies, and, in the case of a permit modification, shall only include those requirements which apply to the terms and conditions to be modified.

(2) Signatory Requirements

(A) All permit applications and permit modification requests submitted to the commissioner shall be signed as follows:

(i) For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(ii) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(iii) For a municipality, State, Federal, or other public agency; by either a principal executive officer or a ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency. If the facility is a POTW, the chairperson of the Water Pollution Control Authority may sign these documents.

(B) All reports required by permits, and other information submitted to the commissioner shall be signed by a person described in subparagraph (A) of this section or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(i) The authorization is made in writing by a person described in subparagraph (A) of this section;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, position or equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

(iii) The written authorization is submitted to the commissioner.

(C) If an authorization under this subsection is no longer accurate because a different individual or position has assumed the applicable responsibility, a new authorization satisfying the requirements of this section must be submitted to the commissioner prior to or together with any reports or other information to be signed by an authorized representative.

(D) Any person signing a document under this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information

is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(3) Duty to provide information. The commissioner may require any permittee to provide within a reasonable time any information which the commissioner may request to determine whether cause exists for modifying or revoking the permit or to determine compliance with the permit, including but not limited to copies of records required to be kept by the permittee.

(4) Permit Fees. The permittee shall pay the permit issuance and renewal fees as required by sections 22a-6 of the Connecticut General Statutes and 22a-430-6 of the Regulations of Connecticut State Agencies as amended, and shall pay the annual permit fees as required by sections 22a-6 of the Connecticut General Statutes and 22a-430-7 of the Regulations of Connecticut State Agencies as amended.

(5) Confidentiality.

(A) The confidentiality of information relating to secret processes or methods of manufacture or production which are claimed as confidential by the applicant in accordance with this subsection shall be maintained as provided in section 22a-6 of the Connecticut General Statutes as amended. However, as required by said section, claims of confidentiality for the following information will be denied:

(i) The name and address of any applicant or permittee;

(ii) For NPDES permits, UIC permits and permits for discharges to POTWs, permit applications, including any attachments, permits, and effluent data.

(B) All claims of confidentiality must be made at the time of submission by stamping or writing the words “confidential business information” on each page containing such information along with an indication on each page as to which specific information is confidential or in any other manner prescribed by the commissioner, and must be accompanied by a written statement of the reasons the information is to be kept confidential, including references to appropriate state and federal statutes and regulations.

(6) General Permits.

(A) The commissioner may issue a general permit to a permittee for one or more geographic locations for the following categories of discharge only for the types of receiving waters listed in subdivision (c) (25) of Section 22a-430-4 of the Regulations of Connecticut State Agencies: minor non-contact cooling water, minor heat pump wastewaters, stormwater, potable water system flushing wastewaters, hydrostatic pressure testing wastewaters, dewatering wastewaters, building floor drain wastewaters, groundwater contamination recovery system wastewaters, incinerator wastewaters, minor photographic processing wastewaters, swimming pool backwash wastewaters, swimming pool draining wastewaters, swimming pool cleaning wastewaters, power laundries-family and commercial, linen supply, diaper service, coin operated laundries & dry cleaners, carpet and upholstery cleaners, car washes, transfer station wastewaters, radiator repair facility rinsewaters, vehicle service floor drain wastewaters, minor tumbling and cleaning of parts wastewaters, furniture refinishing rinsewaters, and minor blowdown from heating and cooling equipment.

(B) Application for a general permit shall be made in accordance with subsection (c) of section 22a-430-4 of the Regulations of Connecticut State Agencies.

(C) General permits shall be exempt from the requirement for public notice specified in subsection (g) of section 22a-430-4 of the Regulations of Connecticut State Agencies provided that a notice is published at least once every five years for

each category of discharge to be covered by a general permit, such notice to include the following information:

(i) Name and description of each discharge category.

(ii) Effluent limitations, best management practices and other controls and requirements established for each discharge category in Section 22a-430-4 (s) (3) of the Regulations of Connecticut State Agencies.

(D) Monitoring requirements for the categories listed in subdivision (b) (6) (A) above are specified in the Monitoring Schedule referenced in subsection (j) of this section except that, notwithstanding subsection (j), the commissioner may limit the monitoring to one or more discharges that are representative of the other discharges listed on the permit.

(E) The commissioner may, on request of any person or municipality or on his or her own initiative, require a person or municipality holding a general permit to apply for and obtain an individual permit. Upon issuance of an individual permit, the general permit shall automatically expire. A person or municipality holding an individual permit may request that such permit be replaced by a general permit. Upon issuance of a general permit, the individual permit shall automatically expire. Any request for a change in permit under this subparagraph shall be on forms provided or approved by the commissioner and shall include such information as he or she requires.

(7) Time limitations. Time limitations placed upon actions of the commissioner by this section or section 22a-430-4 of the Regulations of Connecticut State Agencies shall be directory only.

(c) **Inspection and entry.** The commissioner or his or her authorized representative may take any actions authorized by sections 22a-6 (5), 22a-425 or 22a-336 of the Connecticut General Statutes as amended.

(d) **Effect of a permit.**

(1) The issuance of a permit does not (A) convey any property rights of any sort, or any exclusive privilege, (B) authorize any injury to persons or property or invasion of other private rights, (C) authorize any infringement of the Connecticut General Statutes, Regulations of Connecticut State Agencies or municipal ordinances, or (D) affect the responsibility of the permittee to obtain all applicable federal, State and municipal authorizations or permits for the discharge and activities which generate the discharge.

(2) The permittee is authorized to discharge (A) pollutants in quantities and concentrations as specified in the permit; and (B) those listed substances resulting from the processes or activities described in the permit application which are specified in said application, and any other substances or materials from such processes or activities, in quantities and concentrations which the commissioner determines cannot reasonably be expected to cause pollution and will not adversely affect the operation of any POTWs. Discharge of a listed substance in excess of the level specified in an application, or discharge of any substance which is not listed on the permit or in Appendix B or D of section 22a-430-4 of the Regulations of Connecticut State Agencies but results from processes or activities described in the permit application, shall not be deemed to be a permit violation or result in a forfeiture pursuant to section 22a-438 (a) of the Connecticut General Statutes if such newly determined substance or increase resulted from a process or activity described in the permit application. However, the commissioner may seek an injunction or issue an order, and may seek criminal penalties against a permittee who willfully or with criminal negligence causes or threatens pollution.

(3) Discharge of a listed substance in excess of the level specified in an application, or discharge of any substance which is not listed on the permit or permit application shall constitute a permit violation if such newly determined substance or increase resulted from a process or activity not described in the permit application.

(4) (A) The issuance of a permit is not an irreversible authorization to discharge. In accordance with sections 22a-6, 22a-7 or 22a-416 through 22a-471 of the Connecticut General Statutes, as amended, the commissioner may issue an order requiring a permittee to reduce or eliminate the discharge of any pollutant, listed substance or other substance for the following reasons: (1) to require a permittee to meet the requirements of this section and section 22a-430-4 of the Regulations of Connecticut State Agencies; (2) a determination that the discharge of a pollutant, listed substance or other substance individually or in combination with other permitted discharges is causing or may cause pollution of the waters of the State, provided that the commissioner briefly justifies such determination to the permittee in writing (3) a determination that the discharge contains substances which were not described in the permittee's application, (4) in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions to bring a permittee into compliance with chapter 446k of the Connecticut General Statutes and regulations adopted thereunder and to ensure that the commissioner's actions are consistent with the CWA and regulations adopted thereunder. If such an order is issued to establish effluent limitations required by the CWA, it shall be issued in conjunction with a permit modification under subsection (p) of Section 22a-430-4 of the Regulations of Connecticut State Agencies. The commissioner may also issue an order requiring a permittee to investigate any condition relating to the permittee's activities which the commissioner determines may have the potential for causing pollution, or may be useful in the evaluation of a permit application.

(B) If he or she has not done so already for CWA requirements, the commissioner shall promptly modify the permit to incorporate any necessary limitations or conditions required by such order, in accordance with section 22a-430 (e) of the Connecticut General Statutes. Such modifications shall follow the applicable procedures in subsection (p) of section 22a-430-4 of the Regulations of Connecticut State Agencies.

(e) Duty to comply.

(1) The permittee shall comply with all terms and conditions of the permit. Any permit noncompliance constitutes a violation of Chapter 446k of the Connecticut General Statutes. Permit noncompliance is grounds for enforcement action, permit revocation or modification, or denial of a permit renewal application. Violations caused by bypasses allowed under subsection (k) of this section and/or exceedances allowed under subsection (m) of this section shall not be considered permit noncompliance.

(2) The permittee shall comply with effluent limitations, standards or prohibitions established under section 307 (a) CWA which are adopted in subsection (l) of section 22a-430-4 of the Regulations of Connecticut State Agencies for toxic substances upon adoption, even if the permit has not yet been modified to incorporate the requirement.

(3) Except for any toxic effluent standards and prohibitions imposed under section 307 CWA, compliance with a permit during its term shall constitute compliance, for purposes of enforcement, with sections 301, 302, 306, 307, 318, 403 and 405 of the Clean Water Act. The commissioner may modify or revoke a permit during its term for cause as provided in subsection (p) of section 22a-430-4 of the Regulations of Connecticut State Agencies.

(4) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(f) **Proper operation and maintenance.**

(1) The permittee shall at all times properly operate and maintain all facilities and systems and parts thereof for wastewater collection, storage, treatment and control which are installed or used by the permittee to achieve compliance with the terms and conditions of the permit. Proper operation and maintenance includes but is not limited to effective performance, adequate funding, and adequate operator staffing and training, including the employment of certified operators as may be required by the commissioner pursuant to sections 22a-416-1 through 22a-416-10 of the Regulations of Connecticut State Agencies, as amended, and adequate laboratory and process controls, including appropriate quality assurance procedures. The commissioner shall, as a condition of a permit or by issuance of an order in accordance with sections 22a-416 through 22a-471 of the Connecticut General Statutes as amended, require the installation and operation of back-up or auxiliary facilities or similar systems or the inventory of spare parts and appurtenances only if he or she determines that such is necessary to achieve compliance with applicable requirements based upon consideration of all factors which he or she deems relevant, including but not limited to:

- (A) the proposed alternatives to such facilities, systems or inventories;
- (B) the ability of the permittee's staff to properly carry out such alternatives; and
- (C) the permittee's record of compliance with applicable requirements.

In determining which facilities, systems or inventories are to be required for achieving compliance with applicable requirements, the commissioner shall consider the comparative economic feasibility of the proposed alternatives.

(2) The commissioner may require any applicant or permittee as part of the detailed design of any treatment facilities and/or spill prevention and control systems required by subsection (p) of this section to develop an operation and maintenance manual which shall fully describe the operation and maintenance of the systems, including but not limited to the following aspects:

- (1) A plan for operational monitoring and inspection
- (2) Instrument calibration frequency
- (3) Inventory of necessary chemicals, equipment and spare parts
- (4) A plan for preventive maintenance
- (5) Operating instructions
- (6) Housekeeping
- (7) Security measures

(g) **Sludge disposal.** The permittee shall dispose of screenings, sludges, chemicals and oils and any solid or liquid wastes resulting from the wastewater treatment processes at locations approved by the commissioner for disposal of such materials, or by means of a waste hauler licensed under the provisions of the Connecticut General Statutes.

(h) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of the permit or any discharge which has a reasonable likelihood of adversely affecting human health or the environment.

(i) **Facility modifications; notification**

(1) All facility expansions or alterations, production increases, or process modifications shall comply with the requirements of subsections (o) and (p) of this section.

(2) If any facility expansion or alteration, production increase or process modification may result in the discharge of any new water, substance or material or increase the quantity or concentration of an existing pollutant beyond permit conditions, or may constitute a new source, the permittee shall notify the commissioner. No such activity shall be undertaken until either (i) the commissioner notifies the permittee in writing that a permit modification is unnecessary or (ii) if in the commissioner's judgment the activity would result in any such discharge beyond permit conditions, the permittee obtains a modification of his or her permit in accordance with subsection (p) of section 22a-430-4 of the Regulations of Connecticut State Agencies.

(3) No permittee shall expand or significantly alter any wastewater collection or treatment facility or its method of operation without the prior written approval of the commissioner, unless such change is necessary to correct a permit violation or avoid an imminent permit violation. Any permittee which makes any significant change to a collection or treatment facility or its method of operation for the purpose of correcting or avoiding a permit violation shall, in addition to any other notifications required by this subsection, notify the director within two hours of making the change or at the start of the next business day if the change is made outside normal business hours and shall, within thirty days thereafter, submit a written report for the review and approval of the director fully describing the changes made and the reasons therefor.

(4) Notification of facility modifications does not stay any permit term or condition.

(5) The commissioner shall respond to all notifications of facility modifications under paragraph (2) above within sixty (60) days of receipt of the notification and shall indicate whether a permit modification is necessary or that additional information is required.

(j) Monitoring, records and reporting requirements

(1) All permittees shall monitor their discharges by such means as the commissioner determines are appropriate to assure compliance with permit limitations, standards and conditions, including but not limited to the use of chemical analyses, visual observations, measurements of any kind, including flow, and submission of periodic engineering or other reports, plans or other documentation of compliance. The commissioner may also require a permittee to similarly monitor any other locations in order to demonstrate the effects of the permitted discharges or activities, and may require a permittee to inspect any system installed for the collection, treatment, storage or disposal of wastewater or to install monitoring facilities at specified locations. Any such monitoring and inspection requirements may be included as permit conditions.

(2) Except as provided in this subsection and subsection (k) of this section, the minimum frequency of monitoring by a permittee holding a permit issued or renewed after the effective date of this section, to determine compliance with effluent limitations in the permit, shall be as specified in the Monitoring Schedule appended to and hereby made a part of this section for the discharge category as determined by the commissioner. The commissioner may require additional monitoring for reasons including but not limited to: (A) if a wasteload allocation for the receiving waters has been established in the Connecticut Water Quality Standards; (B) if the discharge is a significant source of wastes or flow to the receiving waters or to a POTW; (C) any prior violation by the permittee of any statute or regulation administered by the commissioner, or any order or permit issued by the commissioner, (D) if, for a new or modified permit, such increased frequency is necessary in order to initially

verify compliance with any permit terms or conditions, or (E) if necessary to insure proper operational control of the treatment facilities.

(3) Except as provided in this subsection and subsection (K) of this Section, the minimum frequency of toxicity monitoring by a permittee to determine compliance with an acute or chronic toxicity limit in the permit shall be quarterly. The commissioner may require additional acute or chronic toxicity monitoring for reasons including, but not limited to those specified in subdivision (2) of this subsection.

(4) Notwithstanding the provisions of subdivision (3) of this subsection, the commissioner may reduce the frequency of acute or chronic toxicity monitoring provided: (A) the permittee has demonstrated that the toxicity of the discharge is relatively constant and the potential for the discharge to cause acute or chronic toxicity in the receiving waters is minimal, or (B) the permittee demonstrates that compliance with physical or chemical effluent limitations will adequately protect the waters of the state from pollution.

(5) For any discharge category which is not listed in the appended Monitoring Schedule, the commissioner shall establish a frequency of monitoring which he or she determines will adequately insure that the permittee in question is in compliance with applicable statutes, regulations and permit terms and conditions. For NPDES permits only, each outfall shall be monitored at least annually for each pollutant, with the following exceptions:

(A) For general permits; or

(B) In the case of total toxic organics if the commissioner has approved a solvent management plan for the permittee.

(6) If the permittee monitors any discharge more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or specified in the permit, the results shall be included in the calculation and reporting of the data in the monitoring report.

(7) The permittee or applicant shall ensure that samples and measurements taken for the purposes of monitoring compliance with permit terms and conditions or submitting a permit application are representative of monitored activity. All sampling shall be daily composite sampling unless otherwise specified in the permit. Sample collection, preservation, handling and analytical techniques used to determine compliance with effluent limitations in the permit or to submit a permit application shall be as prescribed by 40 CFR Part 136, with the following exceptions:

(A) Sample collection, handling, and analytical techniques used to determine the acute toxicity of the discharge shall be as prescribed in "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms" (EPA/600/4-85/013) unless otherwise specified in writing by the commissioner or in the Regulations of Connecticut State Agencies;

(i) Acute toxicity shall be assumed to occur at any discharge concentration which exceeds the LC50 concentration determined in an acute toxicity test multiplied by an application factor of 0.33, unless a specified NOAEL concentration has been established as a permit limitation or condition in which case the following modifications to the determination of acute toxicity shall apply:

(a) A minimum of five (5) replicate test chambers at a discharge concentration equal to the specified NOAEL concentration shall be employed in the test.

(b) A minimum of three (3) replicate control test chambers containing dilution water only shall be employed in the test.

(c) Acute toxicity shall be assumed to occur at any discharge concentration greater than the specified NOAEL concentration provided the mean survival of

test organisms in the replicate test chambers employed at the specified NOAEL concentration is less than ninety (90) percent;

(d) Any test in which the survival of test organisms is less than ninety (90) percent in each replicate control test chamber shall be considered an invalid test.

(ii) The results of an acute toxicity test conducted on a grab sample may be used to determine compliance with effluent limitations or permit conditions for acute toxicity.

(iii) Test species to be used to determine the toxicity of a discharge shall be determined according to the following:

(a) For discharges to fresh receiving waters exhibiting a normal salinity of one (1) part per thousand or less, *Pimephales promelas* and *Daphnia pulex* shall be used;

(b) For discharges to estuarine waters exhibiting a normal salinity of between one (1) part per thousand and twenty (20) parts per thousand, species selection shall be determined by the commissioner on a case by case basis;

(c) For discharges or marine waters exhibiting a normal salinity greater than twenty (20) parts per thousand *Cyprinodon variegatus* and *Mysidopsis bahia* shall be used;

(B) Sample collection, handling, and analytical techniques used to determine the chronic toxicity of the discharge, including the use of chronic and short-term chronic toxicity testing methods, shall be determined by the commissioner on a case by case basis unless otherwise specified in the permit or the Regulations of Connecticut State Agencies;

(i) The concentration of a discharge at which chronic toxicity occurs shall be assumed equal to the LC50 value determined in an acute toxicity test multiplied by an application factor of 0.05 or, the NOAEL concentration determined in an acute toxicity test multiplied by an application factor of 0.15. These application factors shall apply unless the applicant demonstrates to the satisfaction of the commissioner that the application factor is inappropriate due to the unique physical, biological or chemical characteristics of the discharge or receiving water including but not limited to consideration of one or more of the following:

(a) The results of concurrent acute and chronic or short-term chronic toxicity tests conducted on a minimum of three (3) representative samples of the discharge.

(b) The results of chronic or short-term chronic toxicity tests conducted on a minimum of three representative samples of the discharge using receiving water and synthetic fresh, salt, or estuarine water in concurrent tests;

(c) Data on the hydraulic characteristics of the discharge and receiving waters;

(d) Any other information the commissioner deems relevant.

(ii) All sampling for determination of chronic toxicity shall be daily composite sampling unless otherwise specified in the permit or the Regulations of Connecticut State Agencies except that the results of toxicity tests conducted on a grab sample of the discharge multiplied by an application factor of three (3) shall be considered to be equal to the results obtained for a daily composite sample of the discharge.

(8) The permittee shall install and maintain all required monitoring equipment which will be used to comply with the monitoring requirements of this subsection and the permit in accordance with manufacturer's recommendations and specifications, and shall promptly repair all such equipment which fails or malfunctions. In the event of any such failure or malfunction or at the start of the next business day if such failure or malfunction occurs outside normal business hours, the permittee shall notify the director within two hours of such failure or malfunction or at the start of the next business day if such failure or malfunction occurs outside normal

business hours, and employ such other equipment or methods as the director determines are necessary to satisfy the permit terms and conditions, and shall submit a written report to the director within five days of the failure or malfunction which shall include the information specified in subdivision (4) of subsection (k) of this section.

(9) (A) Records of monitoring information shall include the following:

(1) The mass or other measurement specified in the permit for each pollutant or substance;

(2) Total flow for each discharge for each day of discharge and other flow measurements specified in the permit for each discharge;

(3) The date, exact place, and time of sampling or measurements;

(4) The individuals who performed the sampling or measurements;

(5) The dates analyses were performed;

(6) The individuals who performed the analyses;

(7) The analytical techniques or methods used;

(8) The results of such analyses;

(9) Frequency and duration for non-continuous discharges;

(10) Production information, where effluent limitations are production based, or as may otherwise be required by the commissioner;

(11) All calibration and maintenance records and original strip chart recordings for continuous monitoring, recording or controlling instrumentation related to the wastewater treatment system; and

(12) Any other information specified in the permit.

The commissioner may require the permittee to submit some or all of this information at any time or as part of a regular schedule of reporting.

(B) The permittee shall retain copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least five (5) years from the date of the report or application. The commissioner may extend this period as he or she deems necessary upon written notice to the permittee stating the reasons for such extension, and this period is automatically extended for as long as a permittee is under an active order from the commissioner under Chapter 446K of the Connecticut General Statutes or if the permittee is in litigation for any violation of any permit or order issued by the commissioner under Chapter 446K of the Connecticut General Statutes.

(C) If the permittee becomes aware that any information submitted in compliance with a permit was erroneous, or that required or necessary information was omitted, he or she shall notify the commissioner within seventy two hours and submit the correct information in writing within thirty days.

(10) (A) All NPDES permittees required to submit a discharge toxicity evaluation pursuant to subdivision (c) (21) of Section 22a-430-4 of the Regulations of Connecticut State Agencies shall submit said evaluation for the review and approval of the commissioner no later than December 31, 1988.

(B) All NPDES permittees which are required to submit the evaluation in accordance with subparagraph (A) above shall, on or before ninety days after submission of such evaluation, but in no case later than March 31, 1989, and on a quarterly basis thereafter unless an alternative schedule has been specified by the commissioner pursuant to subdivisions (3) or (4) of this subsection, submit to the commissioner the results of toxicity tests performed in accordance with subdivision (7) of this subsection.

(C) If any test results submitted in accordance with subparagraph (B) above indicate that an acute or chronic limitation established in accordance with subdivision

(l) (5) of Section 22a-430-4 of the Regulations of Connecticut State Agencies has been exceeded, whether or not such limitation has been incorporated into the permittee's permit, the permittee shall, within thirty days of such test, submit (i) the results of another such test or (ii) a report for the review and approval of the commissioner describing proposed steps to eliminate toxic impacts of the discharge on the receiving water and a proposed schedule for their implementation. Such a report shall be submitted in all cases within thirty days of the second of any two consecutive tests, or within thirty days of the third test in any one year period, which exceeds an acute or chronic toxicity limitation.

(D) All POTWS shall, no later than December 31, 1988 and on a quarterly basis thereafter, submit to the commissioner the results of two acute toxicity tests performed on an undiluted daily composite sample of the discharge, and the results of a daily composite sample for the substances listed in Table III of Appendix B of Section 22a-430-4 of the Regulations of Connecticut State Agencies. If any such toxicity test shows toxic impacts, a second test shall be performed and the results submitted to the commissioner within sixty days of the first test. The POTW shall submit a discharge toxicity evaluation as described in subdivision (c) (21) of Section 22a-430-4 of the Regulations of Connecticut State Agencies within thirty days of the second of any two consecutive tests which show toxic impacts, or within thirty days of the third test within any one year period which show toxic impacts.

(11) (A) All monitoring reports shall be submitted to the director in accordance with this subsection and the terms and conditions of the permit, and, for discharges to POTWs, shall be simultaneously submitted to the person designated by the municipality as responsible for overseeing the operation of the POTW.

(B) Such reports shall be submitted on forms provided or approved by the commissioner. Failure to use forms as required by the commissioner shall be considered an act of noncompliance. If no discharge occurs for the entire period in which a permittee is required to monitor, the permittee shall note on the monitoring report that no discharge occurred for that entire period.

(C) All reports and information required by a permit to be submitted to the commissioner or director shall be due on the date specified in the permit. If a schedule of compliance is included in a permit either directly, or indirectly by reference to a separate abatement order, the permittee shall notify the commissioner in writing when compliance with each step is achieved. Failure to submit any report or information to the commissioner by the required date, or the submission of information which the permittee knows, has reason to believe or can reasonably ascertain is incomplete, improperly completed or incorrect, is considered an act of noncompliance with a permit.

(D) The permittee shall, within two hours of becoming aware of the circumstances, and at the start of the next business day if he or she becomes aware of the circumstances outside normal business hours, notify the director and, for discharges to POTWs, the responsible person under subparagraph (8) (A) of this subsection of any actual or anticipated noncompliance with permit terms or conditions if (i) the noncompliance is greater than two times the permitted level except for violations of any maximum daily limitation in an NPDES permit, in which case all violations shall be reported or (ii) the condition may endanger human health, the environment or the operation of a POTW, including sludge handling and disposal, and shall submit a written report to the director within five days thereafter. Such report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been

corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. Notification of actual or anticipated noncompliance does not stay any permit term or condition.

(E) The permittee shall notify the director within seventy-two hours and in writing within thirty days when he or she knows or has reason to believe that the concentration in the discharge of any listed substance or any toxic substance as listed in appendix B or D of this section has exceeded or will exceed the highest of the following levels:

(i) One hundred micrograms per liter;

(ii) Two hundred micrograms per liter for acrolein and acrylonitrile, five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter for antimony;

(iii) An alternative level specified by the commissioner, provided such level shall not exceed the level which can be achieved by the permittee's treatment system.

(iv) A level two times the level specified in the permit application.

(F) Within ninety days following adoption of a limitation for a discharge to a POTW in subsection (I) of section 22a-430-4 of the Regulations of Connecticut State Agencies by incorporation by reference to the CWA or the CFR, the permittee shall submit a report to the director containing the following information:

(i) the nature and concentration of all substances in the discharge for which new limitations have been so adopted; and

(ii) an indication of whether the new limitations are being met on a consistent basis and, if not, the additional facilities or procedures needed to meet the new limitations.

(12) For NPDES permits to POTWS, the commissioner may require the POTW to monitor the influent to, discharge from and sludge generated by, the POTW for any substances listed in Appendix B of Section 22a-430-4 of the Regulations of Connecticut State Agencies.

(k) **Bypass.**

(1) The permittee shall not at any time bypass the collection system or treatment facilities or any part thereof unless (A) (i) such bypass is unanticipated, unavoidable, and necessary to prevent loss of life, personal injury or severe property damage, and (ii) there were no feasible alternatives to the bypass, including but not limited to the use of auxiliary or back-up treatment facilities, retention of untreated wastes, stopping the discharges, or maintenance during normal periods of equipment downtime; or (B) the permittee receives prior written approval of the bypass from the commissioner in order to perform essential maintenance, and the bypass does not cause effluent limitations to be exceeded. The commissioner may impose any conditions on such an approval which he or she deems necessary to protect the waters of the state, including but not limited to requirements for special monitoring or reductions in the release of pollutants and water to the treatment system. Condition (A) (ii) is not satisfied if the permittee, in the exercise of reasonable engineering judgment, should have installed adequate backup equipment to prevent a bypass.

(2) In the event such a bypass is necessary, the permittee shall to the extent possible minimize or halt production and/or all discharges until the facility is restored or an alternative method of treatment is provided.

(3) In order to prevent a bypass, the permittee may schedule maintenance during periods when no discharge is occurring or employ any necessary means, including but not limited to duplicate units and systems or alternative collection and treatment or pretreatment schemes. Any such means shall (A) insure that the effluent limitations specified in the permit are achieved; (B) be approved by the director in writing prior to its use, which approval shall include an alternative schedule for monitoring

if appropriate; and (C) be discontinued upon completion of the performance of the essential maintenance. The permittee shall provide notice to the director not less than twenty-four (24) hours prior to the use of any alternative scheme and monitor and record the quality and quantity of the discharge in accordance with permit terms and conditions or an approved alternative schedule. Such monitoring shall be submitted with the next monitoring report required by the permit, and shall not be used to meet routine scheduled monitoring report requirements of the permit.

(4) If any bypass occurs or may occur, the permittee shall, within two hours of becoming aware of such condition or need, notify the director during normal business hours (566-3245), and the department's Emergency Response Unit at all other times (566-3338) and submit within five days a written report including the cause of the problem, duration including dates and times and corrective action taken or planned to prevent other such occurrences. In addition, if the permittee has reason to believe that any effluent limitation specified in the permit may be violated, the permittee shall immediately take steps to prevent or correct such violation, including but not limited to employing an alternative scheme of collection or treatment, and/or control the production of the wastewater and shall monitor and record the quality and quantity of the discharge in accordance with the permit terms and conditions or an approved alternative schedule. Such monitoring shall be submitted with the next monitoring report required by the permit, and shall not be used to meet the routine monitoring requirements of the permit.

(I) Conditions applicable to POTWs

(1) No municipality shall allow a new discharge to its POTW of any process wastewaters or any cooling waters without verification from the commissioner that a permit has been issued pursuant to section 22a-430 of the Connecticut General Statutes.

(2) The municipality shall provide notice to the director of (A) any known discharge of pollutants to its POTW in excess of those quantities or concentrations permitted by the commissioner, (B) any known discharge of wastes to its POTW in excess of those quantities or concentrations which existed prior to the issuance of the POTW's permit, or (C) any known new discharges of the types specified in subdivision (1) of this subsection which have been initiated without a permit from the commissioner. Such notice shall include information on the quality and quantity of effluent entering the POTW and any anticipated impact of the discharge on the quantity or quality of effluent to be discharged from the POTW.

(3) The permittee shall adopt a sewer use ordinance approved by the commissioner to protect the physical and operational integrity of the collection and treatment facilities. The commissioner may, as he or she deems necessary, require the permittee to modify the sewer use ordinance.

(4) The permittee shall maintain a system of user charges or dedicated taxes sufficient to cover the cost of operation and maintenance, and replacement as appropriate, of the collection system and treatment facilities in order to insure compliance with all permit conditions.

(5) The commissioner may require the permittee to develop a plan for responding to emergency conditions which threaten or may threaten the operation, performance or physical integrity of the collection and/or treatment facilities. Such plan shall include, but not necessarily be limited to (A) a map showing the locations and types of all process wastewater discharges permitted by the commissioner and key points in the collection system at which samples may be taken in order to locate the source or cause of the emergency condition, and (B) planned actions to be taken in the event that an emergency condition occurs.

(m) **Effluent limitation violations.**

(1) For the purposes of determining compliance with any permit, each exceedance of a specific effluent limitation shall be considered a separate permit violation unless such exceedance was (A) temporary; (B) of an effluent limitation not established pursuant to subparagraph (l) (4) (A) (x), and, for existing permits, not established in order to achieve consistency with water quality standards; and (C) caused by: riots, wars, sabotage or other acts of violence beyond the reasonable control of the permittee; floods, hurricanes or other natural disasters; or any other equally severe, unforeseeable and uncorrectable accidents; where such acts or events were occasioned directly upon the permittee or a person under contract to the permittee. Such acts or events shall not include operational error, improperly designed or inadequate treatment facilities, lack of preventive maintenance, carelessness, improper operation or loss of the primary power supply.

(2) In any enforcement action for an exceedance of an effluent limitation, the burden of proof is on the permittee to show, through properly signed, contemporaneous operating logs or other relevant evidence, that:

(A) One or more of the above factors caused the exceedance;

(B) The permittee provided notice of the exceedance as required by subparagraph (11) (D) of subsection (j) of this section; and

(C) The permittee complied with subsections (h) (duty to mitigate) and (f) (operation and maintenance) of this section.

(3) In determining if any effluent limitation has been exceeded, the commissioner shall, on the request of a permittee, and may, on his or her own initiative, consider the accuracy of the sampling, monitoring, and analytical procedures employed, as determined by reference to (A) 40 CFR 136, or (B) for effluent limitations on acute and chronic toxicity by reference to "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms" (EPA/600/4-85-013) or alternate method if such method has been specified in writing by the commissioner, or any other information which he or she deems relevant, including but not limited to reference toxicant test results.

(n) **Enforcement.** The commissioner may take any enforcement action provided by law, including but not limited to seeking injunctions, penalties and forfeitures as provided in sections 22a-6, 22a-7, 22a-430, 22a-432, 22a-435, 22a-438 and 22a-471 of the Connecticut General Statutes as amended, for any violations or acts of noncompliance with chapter 446k of the General Statutes or any regulation, order, permit or approval issued thereunder.

(o) **Resource conservation.**

(1) All permittees shall implement and maintain practices and/or facilities which, to the maximum extent practicable, result in the minimum amount of wastewater discharged. Such results may be achieved by methods including but not limited to water conservation, resource recovery, waste recycling, wastewater reuse, and material or product substitution.

(2) Excessive use of water or the addition of water to dilute an effluent in order to meet any permit limitations or conditions is prohibited.

(p) **Spill prevention and control.**

(1) All permittees shall maintain practices, procedures and facilities designed to prevent, minimize and control spills, leaks or such other unplanned releases of all toxic or hazardous substances and any other substances as the commissioner deems necessary to prevent pollution of the waters of the state. Such requirements shall, unless otherwise allowed by the commissioner, apply to all facilities used for storing,

handling transferring, loading or unloading such substances, including manufacturing areas.

(2) The requirements of this subsection do not apply to facility components or systems already covered by plans prepared or approved under the Resource Conservation and Recovery Act and the Spill Prevention, Control and Countermeasure program.

(q) Instrumentation, alarms, flow recorders

(1) Except for batch treatment systems unless required by the commissioner, process wastewater treatment systems shall include instrumentation to automatically and continuously indicate, record and/or control those functions of the system and characteristics of the discharge which the commissioner deems necessary to assure protection of the waters of the state.

(2) Audible and visual alarms shall be included with all instrumentation installed to comply with subparagraph (1) of this subsection, and for such other functions as the commissioner determines are necessary to assure proper operation of the system. Any condition which causes an alarm shall be corrected immediately, or the discharge shall be stopped until the correction is made.

(3) All treatment facilities, except batch facilities and those discharging to the ground waters unless required by the commissioner, shall include facilities or instrumentation to allow accurate measurement and recording of the volume of wastewater discharged per day and at any time (instantaneous), including through the use of automatic instrumentation if deemed appropriate by the commissioner.

(r) **Equalization.** All treatment facilities shall be designed to prevent upsets, malfunctions or instances of noncompliance resulting from variations in wastewater strength or flow rate, and shall include, as the commissioner deems necessary, equalization facilities separate from the treatment facilities.

MONITORING SCHEDULE

I. Category I

<i>Subcategory</i>	<i>Minimum Frequency of Monitoring</i>		
	<i>X</i>	<i>Monthly</i>	<i>Twice Per Month</i>
<i>Y</i>	<i>Weekly</i>		
<i>Z</i>			
<i>Wastewater Category</i>	<i>Subcategory</i>		
<i>Wastewater Category</i>	<i>X*</i>	<i>Y*</i>	<i>Z*</i>
Adhesives and Sealants ²	—	0–5,000	>5,000
Aluminum Forming ¹	—	0–5,000	>5,000
Asbestos Manufacturing ¹	—	0–5,000	>5,000
Bakery and Confectionary ³	<5,000	5,000–50,000	>50,000
Battery Manufacturing ¹	—	0–5,000	>5,000
Beverage ³	<5,000	5,000–50,000	>50,000
Builders Paper and Roofing Felt ¹	—	0–5,000	>5,000
Canned and Preserved Fruits Processing ¹	<5,000	5,000–50,000	>50,000
Canned and Preserved Seafood Processing ¹	<5,000	5,000–50,000	>50,000
Cement Manufacturing ¹	—	0–50,000	>50,000
Clay, Gypsum, Refractory, & Ceramic Products ³	—	0–50,000	>50,000
Coal Gasification ³	—	0–50,000	>50,000
Coal Liquefaction ³	—	0–50,000	>50,000
Coal Mining ¹	—	0–50,000	>50,000

<i>Wastewater Category</i>	<i>Subcategory</i>		
<i>Wastewater Category</i>	<i>X*</i>	<i>Y*</i>	<i>Z*</i>
Coil Coating ¹	—	0–5,000	>5,000
Concrete Product ³	<10,000	10,000–50,000	>50,000
Copper Forming ¹	—	0–5,000	>5,000
Dairy Products Processing ¹	<5,000	5,000–50,000	>50,000
Edible Oils ³	<5,000	5,000–50,000	>50,000
Electrical and Electronic Components ¹	—	0–5,000	>5,000
Electroplating	<5,000	5,000–10,000	>10,000
Explosives Manufacturing ³	—	0–5,000	>5,000
Ferroalloys Manufacturing ¹	—	0–5,000	>5,000
Fertilizer Manufacturing ¹	—	0–5,000	>5,000
Fish Hatchery & Farm ³	—	0–1,000,000	>1,000,000
Foundries	—	0–5,000	>5,000
Furniture Manufacturing ³	—	0–5,000	>5,000
Glass Manufacturing ¹	—	0–50,000	>50,000
Grain Mills ¹	—	0–50,000	>50,000
Gum and Wood Chemical ³	—	0–5,000	>5,000
Hospitals ¹	<5,000	5,000–100,000	>100,000
Inorganic Chemicals Manufacturing ¹	—	0–5,000	>5,000
Iron and Steel Manufacturing ¹	—	0–50,000	>50,000
Laboratory Wastewaters ¹	<5,000	5,000–100,000	>100,000
Leather Tanning and Finishing ¹	—	0–50,000	>50,000
Meat Products and Rendering ¹	<5,000	5,000–50,000	>50,000
Mechanical Products	—	0–5,000	>5,000
Metal Finishing ¹	<5,000	5,000–10,000	>10,000
Metal Molding & Castings ¹	—	0–50,000	>50,000
Mineral Mining and Processing ¹	—	0–50,000	>50,000
Miscellaneous Food Product ³	<5,000	5,000–50,000	>50,000
Nonferrous Metals Manufacturing ¹	—	0–5,000	>5,000
Oil and Gas Extraction ¹	—	0–50,000	>50,000
Ore Mining ¹	<100,000	100,000–1,000,000	>1,000,000
Organic Chemicals Manufacturing ¹	<5,000	5,000–50,000	>50,000
Paint and Ink Formulation ³	—	0–1,000	>1,000
Paving and Roofing Materials ¹	—	0–5,000	>5,000
Pesticides ¹	—	0–1,000	>1,000
Petroleum Refining ¹	—	0–5,000	>5,000
Pharmaceutical Preparations ¹	—	0–50,000	>50,000
Phosphate Manufacturing ¹	—	0–50,000	>50,000
Photographic Equipment, Supplies ³	<5,000	5,000–50,000	>50,000
Photographic Processing ³	<5,000	5,000–50,000	>50,000
Plastics and Synthetic Material Mfg.	<5,000	5,000–50,000	>50,000
Plastics Processing ¹	—	0–5,000	>5,000
Porcelain Enameling ¹	—	0–5,000	>5,000
Printing and Publishing ³	—	0–5,000	>5,000
Pulp and Paper Mills ¹	—	0–50,000	>50,000
Rubber Processing ³	<5,000	5,000–50,000	>50,000
Shale Oil ³	—	0–50,000	>50,000
Shipbuilding ³	—	0–50,000	>50,000
Shore Receptor and Bulk Terminal ³	—	0–50,000	>50,000
Soap, Detergent, and Cosmetic Manufacturing ³	—	0–5,000	>5,000
Steam Electric Power Plants ¹	—	0–5,000	>5,000
Sugar Processing ¹	—	0–50,000	>50,000
Textile Mills ¹	—	0–50,000	>50,000
Timber Products Processing ¹	—	0–5,000	>5,000
Transportation ³	—	0–50,000	>50,000

II. Category II Miscellaneous Discharges

<i>Wastewater Category</i>	<i>Minimum Frequency of Effluent Monitoring</i>
1. Non-Contact Cooling Water	
a. Minor	None
b. Other	Quarterly
2. Incinerator ³	Twice per Month
3. Transfer Station ³	Monthly
4. Hazardous Waste Disposal Areas ³	
a. <10 acres (on-site)	Monthly
b. 10 to 30 acres (on-site)	Monthly
c. >30 acres (on-site)	Monthly
5. Solid Waste Disposal Areas ³	
a. <10 acres (on-site)	Quarterly
b. 10 to 20 acres (on-site)	Quarterly
c. >20 acres (on-site)	Quarterly
6. Water Production Wastewaters ³	Monthly
7. Agricultural Activities ³	Monthly
8. Stormwater	None
9. Groundwater Contamination Recovery Systems ³	Monthly
10. Hazardous Waste Facility ³	Weekly
11. Sanitary Sewage ³ to Surface Water	
a. <100,000*	Monthly
b. 100,000–1,000,000*	Weekly
c. 1,000,000–2,000,000*	Twice per week
d. >2,000,000*	Three times per week
12. Sanitary Sewage ³ to ground waters	
a. 0–5,000*	Annually
b. >5,000*	Monthly
13. Sanitary Sewage ³ to Sewer requiring public notice under Section 22a-430-2 of the Regulations of Connecticut State Agencies, as amended.	None
14. Sanitary sewage ³ to sewer not requiring public notice under Section 22a-430-2 of the Regulations of Connecticut State Agencies, as amended.	None
15. Dredging ³	Monthly
16. Auto and other Laundries Wastewaters	
a. Power Laundries, Family & Commercial ²	
1. 0–<50,000*	Quarterly
2. >50,000*	Monthly
b. Linen Supply ²	
1. 0–<50,000*	Quarterly
2. >50,000*	Monthly
c. Diaper Service ²	Monthly
d. Coin-Operated Laundries & Dry Cleaners ²	Quarterly
e. Dry Cleaning Plants Except Rug Cleaning ²	Quarterly
f. Carpet and Upholstery Cleaners ²	Monthly
g. Industrial Laundries ²	
1. 0–<50,000*	Quarterly
2. >50,000*	Monthly
h. Misc. Laundry and Garment Services ²	Quarterly
i. Car Washes ²	Quarterly
17. Septage Disposal Area ³	Quarterly
18. Blowdown from Heating and Cooling Equipment ³	
a. 0–5,000*	None
b. >5,000*	Quarterly
19. Tumbling and Cleaning of Parts Wastewaters ³	
a. 0–<5,000*	Quarterly
b. >5,000*	Monthly

<i>Wastewater Category</i>	<i>Minimum Frequency of Effluent Monitoring</i>
20. Building floor drain wastewaters ³	None
21. Swimming pool backwash ³	None
22. Dewatering Wastewaters	None
23. Minor Heat Pump Wastewaters	None
24. Other Heat Pump Wastewaters	Quarterly
25. Potable Water System Flushing Wastewaters	None
26. Hydrostatic Pressure Testing Wastewaters	None
27. All Other Categories of General Permits	None

* These figures refer to average daily flow in gallons per day.

¹ Means wastewaters from this source, as defined pursuant to section 301 of the 1972 federal Water Pollution Control Act 33 U.S.C. 1251 et seq.

² Means wastewaters from this source, as defined pursuant to the 1972 Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget.

³ Defined in section 22a-430-6 (b) of the Regulations of Connecticut State Agencies.

> means more than

< means less than

(Effective May 31, 1988)

Sec. 22a-430-4. Procedures and criteria for issuing water discharge permits

(a) Duty to apply

(1) Any person who or municipality which is required by section 22a-430 of the Connecticut General Statutes to obtain a permit to discharge to the waters of the state, including any person who or municipality which increases an existing discharge beyond permit conditions, shall do so in accordance with the provisions of this section and section 22a-430-3 of the Regulations of Connecticut State Agencies, as amended.

(2) Concentrated animal feeding operations, concentrated aquatic animal production facilities, aquaculture projects, and silvicultural activities, as defined in 40 CFR 122.23, 40 CFR 122.24, 40 CFR 122.25, 40 CFR 125 Subpart B, and 40 CFR 122.27 respectively and after any case-by-case review as specified therein, shall be subject to the requirements of this section and section 22a-430-3 of the Regulations of Connecticut State Agencies, as amended.

(3) When a facility or activity is owned by one person or municipality but is leased or in some other way the legal responsibility of another person or municipality (the operator) it is the operator’s responsibility to submit any applications required under this section.

(b) **Duty to reapply.** Each permit shall be effective for a fixed term not to exceed five years. Any permittee who wishes to continue an activity authorized by a permit after the expiration date of the permit must apply for and obtain a renewed permit. Notwithstanding the provisions of section 22a-3a-1 of the Regulations of Connecticut State Agencies, an application for a permit renewal shall be submitted at least one hundred and eighty (180) days prior to the expiration date of the existing permit, in accordance with this section and section 22a-430-3 of the Regulations of Connecticut State Agencies.

(c) **Application Requirements.** Except for general permits, application for a new permit or renewal of a permit shall be made on forms provided or approved by the commissioner and shall include all applicable information referred to in this subsection. Application for a new or renewed general permit, as specified in subdivision (b) (6) of section 22a-430-3 of the Regulations of Connecticut State Agencies, shall be made on forms provided or approved by the commissioner and shall include only the information specified in subdivisions (1), (2), (3), (13) and

(25) of this subsection. Where the name of a specific substance is required and the disclosure of that substance would reveal information relating to secret processes or methods of manufacture or production, the applicant may provide a description of the physical, chemical and toxicological properties of the substance in place of its name. This information shall include all information reasonably available that might bear on the commissioner's decision regarding the application or the terms and conditions of the permit. This exception shall not apply to substances listed in Appendix B or D of this section, nor shall it prohibit the commissioner from requiring additional information up to and including the name of the substance if he or she deems necessary. However, in determining whether the name of the substance is necessary, the commissioner shall consult with the applicant and consider the need for confidentiality. Any production or effluent data which is required to be submitted pursuant to this subsection shall, for existing discharges, be based on actual production or effluent quality, and, for new discharges, be based on reasonable projections. If an applicant or permittee becomes aware of a change in any information submitted as part of an application for a permit, or that any such information was erroneous, or that any relevant facts were omitted from the application, he or she shall submit the correct information to the commissioner in writing within thirty days.

(1) The name (if a corporation transacting business in Connecticut, the full exact name as registered with the Secretary of the State), mailing and location addresses, and telephone numbers of the applicant, facility, facility owner and facility operator, and the operator's status as Federal, State, private, public or other entity.

(2) The date of the application and the date each discharge began or will begin.

(3) A brief general description of the nature of the business or activity and of each existing or proposed activity or process generating a discharge.

(4) For NPDES permits, for state permits for process wastewater discharges and for other state permits if required by the commissioner:

(A) The principal raw materials utilized, products produced or services provided. If a production-based effluent limitation has been adopted in subsection (1) of this section by reference to section 304 of the CWA, production figures shall be reported in the same units and for the same time period expressed in the limitation in subsection (1);

(B) Up to four SIC codes most applicable to the activities or services to be covered by the permit; and

(C) If any toxic or hazardous substance is anticipated to be used or present in a raw material or intermediate or final product or byproduct, a listing of each substance.

(5) A site plan and topographic map, drawn to scale with the scale shown, including a north meridian arrow. The site plan shall clearly show all buildings, actual and potential sources of discharge, and all intake and discharge locations including all wells where fluids from the facility are injected underground. The topographic map shall extend at least one mile beyond the property boundaries of the facility and clearly show the location of the facility in relation to all roads, surface waters, springs and wells. For NPDES permits, state permits for process wastewater discharges and for other state permits if requested by the commissioner, the applicant shall include on the site plan all fixed treatment, storage or disposal facilities for toxic or hazardous substances above or below ground and such other substances and types of facilities as the commissioner may direct. For NPDES permits for discharges from manufacturing, commercial, mining and silvicultural activities, the latitude and longitude of each discharge to the nearest fifteen seconds shall be reported. All roads and surface waters shall be named.

(6) The average and maximum amount of wastewater to be discharged per day or event. If different types of processes contribute to one discharge, each individual process type shall be so described. An identification of all types of wastes generated by each type of process shall be included. For privately owned treatment works, this information shall include the name and location address of all users of the system

(7) Average and maximum hours per day over which each discharge will occur.

(8) If any discharges are batch type, intermittent or seasonal, they shall be so described, including the frequency and duration of each.

(9) For process wastewater discharges and for other discharges if required by the commissioner, a list of names and maximum quantities of all substances which are stored on-site as designated on the site plan required under subdivision (c) (5) above. For all substances stored in containers of five gallons or less, this list may be limited to a generic description of the categories of substances stored and an estimate of the maximum total quantity of each category stored. The categories to be listed shall include acids, bases, cyanides, organic chemicals and heavy metals.

(10) For process wastewater discharges and for other discharges if required by the commissioner, a plan describing all provisions to prevent and control spills, leaks and other unplanned releases of all substances included in the inventory submitted under subdivision (c) (9) above, including but not limited to:

(A) An evaluation of each facility or system used for the storage, collection, transfer, treatment, loading or unloading of any such substances for its potential to generate a spill, leak or other unplanned release, and the maximum potential magnitude of such spill, leak or release.

(B) Provisions adequate to meet the requirements of subsection (p) of section 22a-430-3 of the Regulations of Connecticut State Agencies.

The commissioner may exempt certain facilities included in the inventory submitted under subdivision (c) (9) above from the requirements of this subparagraph if in his or her judgement such facilities are unlikely to cause pollution.

(11) For process wastewater discharges and for other discharges if required by the commissioner, a complete description of the types of resource conservation practices and provisions for complying with the requirements of subsection (o) of section 22a-430-3 of the Regulations of Connecticut State Agencies.

(12) A description of the type, quantity and method of disposal of all process wastewaters which are not included in the discharges which are the subject of the application, including but not limited to screenings, sludges, oils, solvents and other chemicals. The commissioner may require the submission of a signed contract which provides for proper disposal of such wastes.

(13) An indication of whether the facility is or will be located either within the coastal boundary as defined by section 22a-94 of the General Statutes as amended (as delineated on maps contained in the appropriate town clerk's office) or on Indian lands. The commissioner may require the applicant to submit additional information to support a determination that the proposed activity is consistent with the provisions of sections 22a-94 through 22a-112 of the General Statutes, as amended.

(14) The names of the categories of discharge for which effluent limitations have been adopted in subsection (1) of this section, citing evidence and reasons why such categories are applicable.

(15) For any discharge from a manufacturing, commercial, mining, or silvicultural facility, a line drawing of the water flow through the facility with a water balance, showing all separate production operations contributing wastewater to the effluent and treatment units. The water balance must show approximate average and maxi-

imum flows at intake and discharge points and between units, including treatment units.

(16) A complete description of all collection and treatment facilities proposed or provided, including drawings to scale, describing in detail the existing or proposed means of complying with the applicable effluent limitations and conditions in subsection (1) of this section and section 22a-430-3 of the Regulations of Connecticut State Agencies. The commissioner may require that such drawings be prepared by an engineer licensed to practice in the State of Connecticut. Plans and specifications previously submitted and approved by the commissioner may be incorporated by reference, and shall be deemed to be a part of the current application.

(17) A general description of the methods and provisions for operation and maintenance of the collection and treatment facilities, including an operation and maintenance manual if required pursuant to subsection (f) of section 22a-430-3 of the Regulations of Connecticut State Agencies and documentation of any operator certification required under sections 22a-416-1 through 22a-416-10 of the Regulations of Connecticut State Agencies as amended. Manuals previously submitted may be incorporated by reference and shall be deemed to be part of the current application.

(18) For NPDES permits, a listing of all permits or construction approvals received or applied for under each of the following programs:

(A) Hazardous Waste Management program under RCRA or the Connecticut Hazardous Waste Management laws.

(B) UIC program.

(C) NPDES program.

(D) Prevention of Significant Deterioration (PSD) program under the Clean Air Act.

(E) Nonattainment Program under the Clean Air Act.

(F) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.

(G) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act.

(H) Dredge or fill permits under section 404 of CWA.

(I) State discharge permits issued under section 22a-430 of the Connecticut General Statutes.

(J) Other relevant environmental permits, including State permits.

(19) For NPDES permits, if the applicant is subject to any requirements or compliance schedules for construction, upgrading or operation of wastewater treatment facilities, an identification of the requirement, description of the project, and a listing of the required and projected final compliance dates.

(20) The following specific information shall be submitted for each discharge in each applicable discharge category listed below. When quantitative data is required by this subdivision, the applicant must collect a representative daily composite sample of the effluent and analyze it for the required parameters, and, for existing permitted discharges, except where grab samples are required, shall also report the average monthly and maximum daily concentrations for all parameters subject to a monitoring requirement in the applicant's existing permit for each of the most recent twelve months prior to the date of the application. When the applicant has two or more discharges in the same discharge category and all such discharges are of substantially identical effluent quality, the commissioner may allow the applicant to submit some or all of the information for only one discharge, and report that such information also applies to the other similar discharges. An applicant is expected

to know or have reason to believe or reasonably ascertain that a substance is present in a discharge based on an evaluation of the expected use, production, or storage of the substance, an investigation of the contents of raw materials, and on any previous analyses for the substance. A requirement that an applicant provide information for any such substances does not apply to substances present solely as a result of their presence in the intake water, however, an applicant must report such substances as present. Where chemical analyses are required, daily composite samples shall be used, except that grab sample averages shall be used for temperature, cyanides, total phenols, oil and grease and fecal coliform bacteria, and for pH and total residual chlorine, the range during the composite sample shall be reported. All samples shall be collected, handled and analyzed in accordance with methods listed or approved under 40 CFR Part 136. The commissioner may require the applicant to submit any or all data on which the following information is based.

(A) For permits for discharges of process wastewater, NPDES permits for discharges of sewage from a POTW or for domestic sewage from any other facility:

(i) For existing discharges and for new discharges if required by the commissioner, every applicant must report quantitative data for every discharge for the following parameters except that pH and temperature shall be reported as noted. The commissioner may waive the reporting requirements for one or more of the parameters listed in this subparagraph if the applicant has demonstrated that such a waiver is appropriate because information adequate to support issuance of the permit is otherwise available.

Biochemical Oxygen Demand (BOD)^{5'}

Chemical Oxygen Demand,

Total Organic Carbon,

Oil and Grease,

Total Suspended Solids,

Ammonia (as Nitrogen),

Phosphorus (Total),

Maximum temperature (both winter and summer), and pH (minimum and maximum).

(ii) For existing discharges, and for new discharges if required by the commissioner, each applicant with processes in one or more primary industry categories listed in Appendix A contributing to a discharge shall report quantitative data for the following substances in each discharge containing process wastewater (except the cyanides and total phenol, for which the maximum concentration shall be reported):

(a) The substances in the fractions designated in Table I of Appendix B for the applicant's discharge category or categories. Table II of Appendix B lists the substances in each fraction. The commissioner's determination that an applicant falls within a particular discharge category for the purposes of selecting fractions for testing is not conclusive as to the applicant's inclusion in that category for any other purposes.

(b) The substances listed in Table III of Appendix B.

(iii) For existing discharges and for new discharges if required by the commissioner, each applicant shall report for each discharge quantitative data for each of the following substances, if the applicant knows or has reason to believe or can reasonably ascertain that the substance is discharged or if an applicable limitation in subsection (1) directly or, through an indicator parameter, indirectly, limits the substance (except for oil and grease and fecal coliform bacteria, for which maximum concentration shall be reported):

(a) All substances listed in Table II or Table III of Appendix B for which such information is not otherwise required under subparagraph (20) (A) of this subsection.

(b) All substances in Tables IV and V of Appendix B.

(iv) For existing discharges of process wastewater, for new discharges if required by the commissioner and, for NPDES discharges from existing manufacturing, commercial, mining and silvicultural facilities, each applicant shall report quantitative data for 2,3,7,8- tetrachlorodibenzo-p-dioxin (TCDD) using a screening procedure not calibrated with analytical standards if the applicant:

(a) Uses or manufactures 2,4,5-trichlorophenoxy acetic acid (2,4,5,-T); 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP); 2-(2,4,5-trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); 0,0-dimethyl-0 (2,4,5-trichlorophenyl); phosphorothioate (Ronnel); 2,4,5-trichlorophenol (TCP); or hexachlorophene (HCP); or

(b) Knows or has reason to believe or can reasonably ascertain that TCDD is or may be present in the discharge.

(v) Each applicant shall identify and provide a summary of the results of any biological toxicity tests which the applicant knows or has reason to believe have been made within the last three years on any of the applicant's discharges at the site in question or on any receiving water in relation to any such discharges.

(B) For NPDES permits for concentrated animal feeding operations and concentrated aquatic animal production facilities:

(i) For concentrated animal feeding operations:

(a) The type and number of animals in open confinement and housed under roof.

(b) The number of acres used for confinement feeding.

(c) The design basis for the runoff diversion and control system, if one exists, including the number of acres of contributing drainage, the storage capacity, and the design safety factor.

(ii) For concentrated aquatic animal production facilities:

(a) The maximum daily and average monthly flow from each discharge location.

(b) The number of ponds, raceways, and similar structures.

(c) For each species of aquatic animals, the total yearly and maximum harvestable weight.

(d) The calendar month of maximum feeding and the total mass of food fed during that month.

(C) For state permits for discharges of domestic sewage through land treatment non-point source discharge systems, including but not limited to septic tank leachfield subsurface sewage disposal systems:

(i) An engineering report including but not limited to the following information:

(a) Data of soils tests including but not limited to deep test pits, soil borings and permeability tests in sufficient numbers to define the hydrogeologic regime on the site. Such information shall include the dates of all testing.

(b) A description of any proposed treatment system to be utilized prior to land application of wastewater, including the estimated effluent quality.

(c) Calculations according to best engineering practices determining the application area, the hydrogeologic capability of the site to accept the volume of waste or wastewater and the ability of the site to renovate the waste or wastewater.

(d) A description of a proposed program to monitor the disposal system, the discharge or the effects of the discharge on the waters of the state.

(e) A description of any proposed fiscal or institutional controls intended to ensure the proper operation and maintenance of the system.

(ii) A preliminary plan drawn to a scale of one inch equal to fifty feet or less including but not limited to the following information:

- (a) Property boundaries,
- (b) Surface contours at two foot intervals in the proposed treatment area, including existing and proposed contours,
- (c) The location of all soil tests on the property,
- (d) Building locations and dimensions,
- (e) Location of all watercourses and subsurface pipes,
- (f) Location of all existing or proposed wells,
- (g) A schematic diagram of the system proposed to treat the discharge including component elevations, and
- (h) The location of all areas which have been designated as inland wetlands under section 22a-38 of the General Statutes, as amended.

(D) For discharges from agricultural activities, a farm waste management plan including but not limited to:

- (i) A description of the nature of the agricultural activity.
- (ii) Design drawings of facility components, prepared by the Soil Conservation Service or a professional engineer licensed to practice in the State of Connecticut.
- (iii) If the wastewater is disposed of through land application, loading rates and number of acres available for crop growing purposes.

(E) For state permits for discharges of leachate from a solid waste disposal area to the surface waters, ground waters or to a sanitary sewerage facility, the following information:

(i) A detailed area map at a scale of approximately one inch equal to five hundred feet which shows topography and all pertinent features within a minimum one half mile radius of the boundaries of the disposal area, including but not limited to:

- (a) structures,
- (b) roads,
- (c) drainage features including streams, ponds and designated inland or tidal wetlands,
- (d) one hundred year flood boundary,
- (e) rights-of-way including gas, electric, sewer and water,
- (f) surficial and bedrock geology, as mapped,
- (g) designated, in-use, or potential aquifers,
- (h) areas within the coastal boundary as defined by section 22a-94 of the General Statutes, as amended,

(i) public water supply wells,

(j) any domestic water supply wells within one thousand feet of the site or within the existing and predicted leachate plume, and

(k) areas served by public water supply.

(ii) A detailed site map at a scale no greater than one inch equal to one hundred feet with the contour interval of two feet or five feet which shows the entire disposal area and the area of the existing and predicted leachate plume to the point of discharge to a surface water. The site map shall show:

- (a) contours after site preparation,
- (b) proposed final contours,
- (c) existing and potential water table contours,
- (d) section lines,
- (e) all test pits, borings and monitor wells,

(f) all surface and ground water monitoring points and existing and proposed locations of fill limit markers,

(g) on-site buildings, fences, gates and roads,

(h) existing and proposed sedimentation and erosion controls, and

(i) area of the existing and predicted leachate plume.

(iii) A minimum of two cross sections through the site, one perpendicular and one parallel to the ground water flow, depicting existing, site preparation and final grades, water table, depth of existing and predicted leachate plume, bedrock surface and structure, and details (layering) of the unconsolidated deposits.

(iv) A report describing water quality impacts which includes:

(a) An explanation of the ground water contour map showing flow directions and area of the existing and potential maximum extent of leachate discharges to ground water (plume map). Water levels should be based on a minimum of two rounds of water level readings from all available wells, test pits, springs and borings; readings to be taken during spring high water levels, if possible.

(b) A description of the interaction between the surficial and bedrock geology, the ground water flow, surface waters and the leachate discharge, including all boring logs and monitor well construction details. Monitor wells shall be installed using methods and materials satisfactory to the commissioner.

(C) An estimate of the quantity of the proposed discharge volume on a monthly and annual basis using a water budget based on site area and infiltration rates.

(d) A characterization of the worst-case leachate quality based on waste type to be disposed of, by on-site testing, testing of similar landfills, or published literature.

(e) Using leachate indicators as defined in section 22a-430-3 of the Regulations of Connecticut State Agencies as amended, and any other substances as required by the commissioner, a prediction of the worst case leachate impact on the ground waters at the site boundary and surface waters at the downgradient end of the leachate plume. Surface water impacts shall be calculated using seven day, ten year low flows as obtained from stage measurements or calculated from the United States Geological Survey Connecticut Basin Reports. Water quality impacts from leachate shall be added to the existing background ground and surface water quality for each parameter.

(f) For existing discharges, the results of all background water quality data which has been collected. A minimum of two rounds of samples, one month apart, shall be collected from all monitor wells, and from up and downstream surface water locations. Representative nearby water supply wells shall be tested as required by the commissioner. Parameters tested shall include leachate indicators as defined in section 22a-430-3 of the Regulations of Connecticut State Agencies as amended and all parameters for which potable drinking water standards have been adopted by the Connecticut Commissioner of Health Services.

(g) A detailed discussion of the impact of the existing or proposed leachate discharge on ground waters, adjacent surface water, existing or potential water supply wells, and the conformance of the discharge with existing and proposed Connecticut Water Quality Standards.

(v) A description of the solid waste disposal area site operation and management as it relates to the existing or proposed leachate discharge, specifically addressing the following:

(a) Landfill area, volume, and estimated site life.

(b) Type of wastes to be accepted.

(c) An operational sequence that will minimize infiltration and maximize runoff of precipitation.

(d) A quarterly ground and surface water quality monitoring program.

(e) Closure with vegetation, soils, and slopes that will minimize infiltration.

(f) Post closure site maintenance and monitoring.

(vi) Any person or municipality may apply to the Commissioner for an amendment of a groundwater classification. A proceeding to amend a groundwater quality classification shall be conducted pursuant to Section 22a-426 of the General Statutes and Section 22a-3a-1 of the Regulations of Connecticut State Agencies. The Commissioner shall not reclassify groundwater quality as GC unless the applicant demonstrates that:

(a) The hydrogeology of the affected area precludes the development of high quality and high yield water supply;

(b) The hydrogeology of the affected area is suitable for the treatment of waste and;

(c) The criteria for issuance of a leachate discharge permit pursuant to Section 22a-430-4 of the Regulations of Connecticut State Agencies are met.

(vii) The Commissioner shall not issue a permit for the discharge of leachate from a solid waste disposal area unless:

(a) Assuming for purposes of analysis the absence of any means at such solid waste disposal area to collect or treat leachate, the discharge of such leachate would not pollute any receiving surface water classified as B or SB by the Water Quality Standards or interfere with the attainment of any water quality classification goal that has been adopted for such surface water in the Water Quality Standards;

(b) The permit applicant has the right of possession, by means of fee interest, easement, or otherwise, to the zone of influence of such solid waste disposal area and;

(c) No potable water supply well is located within the zone of influence of such solid waste disposal area and no potable water supply well is located such that recharge of such well from such zone of influence could be induced by pumpage, unless the permit applicant will, with the approval of the Commissioner and the agreement of the user of any such well, provide an alternate supply of potable water to such user.

In reviewing any application for a permit to discharge leachate from a solid waste disposal area, the Commissioner shall deem the capability of the pertinent geologic formation to treat the discharge to be the primary means of protecting the waters of the State from solid waste leachate.

(F) For discharges of non-contact cooling water and heat pump wastewaters which are not included in the definition of "minor non-contact cooling water" and "minor heat pump wastewaters" in subsection (a) of section 22a-430-3 of the Regulations of Connecticut State Agencies, and for blowdown from heating and cooling equipment, the following information:

(i) Maximum winter and summer temperatures.

(ii) Minimum and maximum pH.

(iii) Maximum daily concentration of Total Suspended Solids

(iv) A list of all water treatment chemicals added, including the average monthly and maximum daily concentrations of each.

(G) For permits for discharges of domestic sewage from a community sewerage system not owned by a municipality, a signed letter from the Water Pollution Control Authority of the municipality in which the system exists, indicating that such authority is satisfied that the proposed method of management of the system

complies with the provisions of section 7-246f of the Connecticut General Statutes, as amended.

(21) (A) Applicants for the following discharges shall submit a discharge toxicity evaluation:

(i) Existing NPDES discharges of process wastewater if the applicant or the commissioner knows or has reason to believe or can reasonably ascertain that:

(a) The discharge may contain one or more of the substances listed in Appendix B or D of this section or

(b) If the discharge can reasonably be expected to exhibit acute or chronic toxicity based on the results of acute or chronic toxicity tests or toxicity tests of similar discharges within the applicant's wastewater category as referred to in the Monitoring Schedule appended to Section 22a-430-3 of the Regulations of Connecticut State Agencies;

(ii) If required by the commissioner, new NPDES discharges of process wastewater, other NPDES discharges, and discharges of sewage from a POTW.

(B) Said evaluation shall describe water quality impacts of the discharge on the receiving water and include:

(i) Quantitative data describing the toxicity of the discharge including the results of acute or chronic toxicity tests, utilizing at least one fish species and one species of aquatic invertebrate organism as test species, on a minimum of three representative samples of the discharge. The commissioner may require additional testing or modification to the testing protocol or test species, where he or she has reason to believe that the results of tests by the applicant are or may be inconclusive due to the sampling and testing procedures employed or where the commissioner has reason to believe that acute or chronic toxicity data for an alternative species is needed to assess the impact of the effluent on the receiving waters;

(ii) Results of chemical analysis data for all samples collected for the purpose of toxicity testing under this subparagraph shall be provided for all substances for which monitoring has been required under the expired or expiring permit for the same discharge or for which effluent limitations or conditions have been established pursuant to subsection (1) of this section;

(iii) A detailed site plan at a scale no greater than one inch equal to one hundred feet with discharge dilution concentration contours labelled at intervals of no greater than ten percent of the receiving waters in the vicinity of the discharge under 7Q10 conditions. The location of all watercourses, discharges, wells, surface water intakes, designated inland or tidal wetlands, known or suspected shellfish beds, structural features such as bridges, culverts, dams, impoundments, and property boundaries shall be clearly marked;

(iv) Any other information the commissioner deems necessary;

(v) A detailed discussion evaluating the potential impact of the existing or proposed discharge on the receiving waters, based on the information required by paragraphs A (i), A (ii), A (iii), and A (iv) above, including, but not limited to an evaluation of the conformance of the discharge with both the Connecticut Water Quality Standards and any limitations established pursuant to subsection (1) of Section 22a-430-4 of the Regulations of Connecticut State Agencies.

(C) The commissioner may exempt applicants for NPDES permits from all or part of the testing, evaluation, and monitoring requirements specified in subparagraph (B) of this subdivision if a discharge toxicity evaluation has already been submitted and approved by the commissioner for the discharges in question in accordance with subsection (j) (ten) of Section 22a-430-3 of the Regulations of Connecticut

State Agencies, or if the applicant submits a written request including but not limited to:

(i) An estimate of the acute and chronic toxicity of the discharge based on a comparison of the concentration of substances responsible for such toxicity present in the discharge with one or more of the following:

(a) Water quality criteria for acute and chronic toxicity published pursuant to Section 304 (a) of the Clean Water Act. If more than one such substance is present in the discharge, the toxicity of the mixture shall be assumed to equal the sum of the toxicities of such individual substances which make up the mixture;

(b) The results of biological toxicity tests on individual substances present in the discharge or mixtures of substances similar to those present in the discharge. If more than one substance responsible for toxicity is present in the discharge, the toxicity of the mixture shall be assumed to equal the sum of the toxicities of such individual substances which make up the mixture. Where estimates of chronic toxicity are made based on the results of acute toxicity measures, chronic toxicity shall be assumed to occur at a concentration equal to one-twentieth (0.05) of the LC50 value determined in an acute toxicity test. The concentration of a substance or mixture of substances which will have no acute toxic effect on aquatic organisms of similar sensitivity to those organisms used in a toxicity test shall be assumed to be equal to one-third (0.33) of the measured LC50 value determined in an acute toxicity test;

(ii) The concentration of discharge anticipated to occur in the receiving waters following dilution and mixing of the discharge with the receiving waters during 7Q10 conditions pursuant to subdivision (1) (5) of this section;

(iii) A detailed discussion evaluating the potential impact of the existing or proposed discharge on the receiving waters, based on the information required by subparagraphs C (i) and C (ii) above, including but not limited to an evaluation of the conformance of the discharge with both the Connecticut Water Quality Standards and any limitations established pursuant to subsection (1) of this section;

(iv) Any other information the commissioner deems relevant.

(22) The commissioner may require applicants for state permits for discharges of process wastewater to a POTW to submit the information required under subparagraph (A) or (B), and subparagraphs (C), (D) and (E) inclusive of this subdivision:

(A) An estimate of the acute and chronic toxicity of the discharge based on a comparison of the concentration of substances responsible for toxicity present in the discharge with one or more of the following:

(i) Water quality criteria for acute and chronic toxicity published pursuant to Section 304 (a) of the Clean Water Act. If more than one substance responsible for toxicity is present in the effluent, the toxicity of the mixture shall be assumed to equal the sum of the toxicities of such individual substances which make up the mixture.

(ii) The results of toxicity tests on individual substances responsible for toxicity present in the discharge or mixtures of substances similar to those present in the discharge. If more than one such substance is present in the discharge, the toxicity of the mixture shall be assumed to equal the sum of the toxicities of the individual substances which make up the mixture. Where estimates of chronic toxicity are made based on the results of acute toxicity measures, chronic toxicity shall be assumed to occur at a concentration equal to one-twentieth (0.05) of the LC50 value determined in an acute toxicity test. The concentration of a substance or mixture of substances which will have no acute toxic effect on aquatic organisms of similar

sensitivity to those organisms used in a toxicity test shall be assumed to be equal to one-third (0.33) of the measured LC50 value determined in an acute toxicity test.

(B) If the commissioner determines that the information submitted under subparagraph (A) is or will be inconclusive, he or she may require the applicant to provide some or all of the following information:

(i) Quantitative data describing the toxicity of the discharge including the results of acute or chronic toxicity tests of the discharge individually, in combination with the discharge from the POTW or after treatment designed to represent that provided by the POTW. A minimum of three representative samples of discharge shall be tested utilizing at least one fish species and one species of aquatic invertebrate.

(ii) Results of chemical analysis of all samples collected for the purpose of acute or chronic toxicity testing under (B) (i) above. Results shall be provided for all substances for which monitoring has been required under the expired or expiring permit for the same discharge or for which effluent limitations have been established pursuant to subsection (1) of this section.

(C) The concentration of discharge anticipated to occur in the receiving waters following dilution and mixing of the discharge with the receiving waters during 7Q10 low flow conditions. The mean average daily flow from the POTW for the year preceding the date of permit application for the discharge shall be combined with the 7Q10 low flow in the receiving stream when determining the in-stream discharge concentration.

(D) The percentage of the total flow from the POTW represented by the discharge of the process wastewater discharge to the POTW under the following conditions:

(i) Mean average daily flow from the POTW for the year preceding the date of permit application for the permit to discharge to the POTW; and

(ii) The design flow rate of the POTW.

(E) A detailed discussion evaluating the potential impact of the existing or proposed discharge on the receiving waters, based on the information required by this subsection. This discussion shall include, but not be limited to an evaluation of the conformance of the discharge with both the Connecticut Water Quality Standards and any limitations established pursuant to subsection (1) of this section.

(23) If a contract laboratory or consulting firm performed any of the analyses required by this subsection, the identity of each laboratory or firm and the analyses performed.

(24) In addition to the above information, the commissioner may require an applicant or permittee to submit such other information as he or she deems reasonably necessary, including but not limited to additional effluent quality data, results of biological studies, necessary legal instruments and such other reports, plans and studies as may be required to show the effects of the discharge on the waters of the state and/or any receiving POTWs or the operation thereof.

(25) For general permits, as specified in subdivision (b) (6) of section 22a-430-3 of the Regulations of Connecticut State Agencies:

(A) For discharges to surface waters:

(i) The names, if any, of all receiving waters;

(ii) For stormwater discharges, a map delineating the geographic area to be covered by the general permit;

(iii) For potable water system flushing wastewaters, the number of discharge points and a map delineating the geographic area to be covered by the general permit;

(iv) For minor non-contact cooling water, minor heat pump wastewaters and minor blowdown from heating and cooling equipment, the maximum winter and

summer temperatures, maximum instantaneous flow rate, a list of all chemical additives and their maximum anticipated concentrations and a map showing the discharge locations;

(v) For hydrostatic pressure testing wastewaters and dewatering wastewaters, a list of all chemical additives and their concentrations, the number of discharge points and a map showing the discharge locations.

(vi) For groundwater contamination recovery systems for fuel oil and gasoline, a site plan drawn to a scale of no greater than one inch equals one hundred feet showing all recovery or interceptor wells, the estimated volume of product lost, and the names and addresses of the person contracted to clean up the contamination and the consultant hired to design the proposed remedial action program.

(B) For discharges to POTWs, all applicants shall submit the following information in addition to the information required for the specific discharge categories below: the frequency and average daily flow of each discharge and plans and specifications of any proposed treatment facilities:

(i) For photographic processing, the name and address of the person contracted for recovery of silver;

(ii) For groundwater contamination recovery systems for fuel oil and gasoline, a site plan drawn to a scale of no greater than one inch equals one hundred feet showing the location of all recovery or interceptor wells, the estimated volume of product lost, and names and addresses of the person contracted to clean up the contamination and the consultant hired to design the proposed remedial action program;

(iii) For vehicle service floor drain discharges, the name and address of the person contracted to remove waste oil and other chemicals from the facility, and specifications of the tank proposed to be used to store waste oil, if any;

(iv) For minor tumbling and cleaning of parts, a list of all additives to the wastewater, including both trade names, chemical names and their anticipated maximum concentrations in the wastewater for all cleaning agents added to the wastewater;

(v) For carpet and upholstery cleaners, a list of the trade names, chemical names and their anticipated maximum concentrations in the wastewater for all cleaning agents added to the wastewater;

(vi) For minor blowdown from heating and cooling equipment, a list of all additives to the wastewater, including all trade names, chemical names and their anticipated maximum concentrations in the wastewater;

(vii) For furniture refinishing rinsewaters, a list of all chemicals used in the stripping and refinishing process and the results of a daily composite sample for methanol, methylene chloride, lead, zinc, total volatile organics, and pH (range during composite);

(viii) For radiator repair facility rinsewater, the results of a daily composite sample for lead, zinc, copper, tin, chromium and pH (range during composite).

(C) For discharges to groundwaters:

(i) For swimming pool filter backwash, the distances to the nearest drinking water well and subsurface sewage disposal system, and a list of the chemical names of all additives to the swimming pool water;

(ii) For groundwater contamination recovery systems for fuel oil or gasoline, a site plan drawn to a scale of no greater than one inch equals one hundred feet showing the location of all interceptor or recovery wells, estimated volume of product lost and the names and addresses of the person contracted to clean up the

contamination and the consultant hired to design the proposed remedial action program.

(d) **Preliminary review.**

(1) Notwithstanding the provisions of section 22a-3a-1 of the Regulations of Connecticut State Agencies, upon receipt of an application for a new permit, the commissioner shall determine if all required information has been provided. If the commissioner determines that the application is incomplete or otherwise inadequate to allow a complete review, he or she shall so notify the applicant in writing within one hundred twenty (120) days of receipt of the application and state the reasons therefor.

(2) (A) Notwithstanding the provisions of section 22a-3a-1 of the Regulations of Connecticut State Agencies, the commissioner shall determine if an application for renewal is timely and sufficient in accordance with this subsection. If the application for renewal is untimely or insufficient, the commissioner shall send written notice to the applicant within one hundred twenty (120) days of receipt of the application and state the reasons therefor.

(B) A determination that an application for renewal is untimely shall be a final decision and shall cause the existing permit to expire on its original expiration date. If the commissioner determines that an application is timely but insufficient, the applicant shall be allowed ninety days from the issuance of the notice of insufficiency to submit the information specified in the notice. If during the review of such information the commissioner determines that additional information is necessary, he or she shall send notice to the applicant stating the reasons for the determination and the applicant shall be allowed an additional ninety days from the issuance of such notice to submit the information specified in the notice. If the applicant fails to submit the information specified in any notice of insufficiency within ninety days of issuance of such notice, the determination of insufficiency shall, at that time, become a final decision and the existing permit shall expire either upon its original expiration date or at the end of the ninety day period, whichever is later. If the applicant submits all necessary information in accordance with this subsection, the existing permit shall not expire until the end of the time period specified by section 4-182 (b) of the Connecticut General Statutes, as amended.

(C) Notwithstanding subparagraph (d) (2) (B) above, the commissioner may accept an untimely application no later than the expiration date of the permit and allow the existing permit to continue in effect beyond its original expiration date if, in his or her judgment, the permittee is likely to obtain a renewed permit upon reapplication and the public interest would best be served by allowing the permitted activity to continue uninterrupted.

(3) The completeness of an application shall be judged independently of the status of any other permit application or permit for the same facility or activity. The commissioner may delay processing a completed application if it is associated with another application which is incomplete or which may be denied.

(e) **Tentative determination.**

(1) If the commissioner determines that an application is complete, he or she shall make a detailed review of the application in order to tentatively determine whether the discharge will cause pollution of the waters of the state or whether any proposed system to treat the discharge will protect the waters of the state from pollution. In making such a determination, he or she shall determine that the following requirements will be met, as applicable:

(A) The effluent limitations and conditions listed in subsection (l) of this section, including any case-by-case determinations made under subsection (m) of this section.

(B) The treatment requirements listed in subsections (r) and (s) of this section.

(C) The prohibitions listed in subsection (t) of this section.

(D) The sludge disposal requirements listed in subsection (g) of section 22a-430-3 of the Regulations of Connecticut State Agencies.

(E) The bypass provisions of subsection (k) of section 22a-430-3 of the Regulations of Connecticut State Agencies.

(F) The resource conservation requirements of subsection (o) of section 22a-430-3 of the Regulations of Connecticut State Agencies.

(G) The spill prevention and control requirements of subsection (p) of section 22a-430-3 of the Regulations of Connecticut State Agencies.

(H) The instrumentation and related requirements of subsection (q) of section 22a-430-3 of the Regulations of Connecticut State Agencies.

(I) The equalization requirements of subsection (r) of section 22a-430-3 of the Regulations of Connecticut State Agencies.

(2) During such review the commissioner may require the submission of any additional information, results of analyses or data, the need for which becomes apparent upon review of the application, or the creation of any legal instruments which are necessary to properly evaluate the application. When such a tentative determination is made, the commissioner shall notify the applicant in writing of his or her tentative decision to deny the permit and the reasons therefor, or of his or her tentative decision to issue, renew or modify the permit, subject to the remaining requirements of the permit process. In making such a determination, the commissioner shall consider the factors specified in subdivisions (p) (2) and (3) of this section and may also consider any prior violation by the applicant of any statute or regulation administered by the commissioner, or any order or permit issued by the commissioner.

(3) When a public notice is required, a copy of the notice sent to the applicant shall constitute the tentative determination. For each tentative determination to issue, renew, modify or, for NPDES permits, revoke a permit, the commissioner shall prepare and submit a draft permit in accordance with subsection (f) of this section.

(4) If a public notice is not required in accordance with section 22a-430-2 of the Regulations of Connecticut State Agencies as amended, and if the applicant has made the demonstrations required by subparagraph (k) (1) of this section, the commissioner shall issue an approval of plans and specifications, which approval shall constitute the final determination under subsection (i) of this section.

(5) When the tentative decision is to deny the permit, the applicant may request a hearing as provided in section 22a-436 of the Connecticut General Statutes, as amended.

(f) Draft permits, fact sheets.

(1) When a tentative determination has been made in accordance with subsection (e) of this section to issue, renew, modify or, for NPDES permits, revoke a permit, the commissioner shall prepare a draft permit, which shall include all requirements and conditions, either expressly or by specific reference, proposed to be included in the final permit. A copy of the draft permit shall be sent with the tentative determination to the applicant, and to any other person who requests it. This subsection shall not apply to minor modifications under subsection (p) of this section. A copy of the application, not including any information to be held confidential pursuant to section 22a-6 of the Connecticut General Statutes as amended, shall be sent to any person who requests it.

(2) For NPDES permits only, a fact sheet shall be prepared with each draft permit and for each decision to revoke a permit, and shall briefly describe the significant factual, legal, methodological and policy issues addressed in the draft permit or decision to revoke which are not described in the public notice under subsection (g) of this section, including but not limited to:

(A) A brief summary of the basis for the draft permit conditions including references to applicable statutory and regulatory provisions.

(B) Reasons why any requested variances from any requirements of subsection (l) of this section are or are not justified.

(C) For every permit to be issued to a privately owned treatment works, an explanation of the commissioner's decision to either issue a permit with no conditions applicable to any user, to impose conditions on one or more users, to issue separate permits, or to require separate applications.

(D) Any calculations or other necessary explanation of the derivation of alternate effluent limitations and conditions which are not specifically set forth in subsection (l) of this section.

(E) When the draft permit contains any of the following conditions, an explanation of the reasons why such conditions are applicable: (i) limitations to control toxic pollutants, (ii) limitations on internal waste streams, (iii) limitations on indicator pollutants, and (iv) limitations established on a case-by-case basis in accordance with subsection (m) of this section.

(F) If appropriate, a sketch of the location of the discharge.

(g) **Public notice, notice of hearing.**

(1) General Public Notice. Except as provided in section 22a-430-2 of the Regulations of Connecticut State Agencies as amended, the commissioner shall prepare a public notice of (A) his or her intent to issue, renew, modify, deny or, for NPDES permits, revoke a permit; (B) a public hearing on the intent to issue, renew, modify, revoke or deny a permit; or (C) a new source determination made under 40 CFR section 122.29. Such public notices shall contain sufficient information to describe the proposal including but not limited to the following, as applicable:

(A) The applicant and facility name and mailing and location addresses.

(B) Application or permit number.

(C) A description of the business and activities generating each discharge, including all applicable discharge categories.

(D) A description of the location, volume, frequency and nature of the discharge, including the type of treatment provided and types of toxic pollutants (from Appendices B and D) present in the discharge; whether limits have been placed on internal waste streams and whether the draft permit contains limits or conditions established on a case-by-case basis in accordance with subsection (m) of this section.

(E) Name of the receiving waters.

(F) Name, business address and telephone number of a person from whom interested persons may obtain additional information, including copies of the draft permit, application and fact sheet, if any.

(G) A brief description of the procedures and time periods allowed for commenting on the proposal, the time, place and purpose of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision.

(H) An identification of all applicable limitations specifically established in subsection (l) of this section.

(I) A description of any variances from the requirements of subsection (I) of this section proposed to be granted.

(J) If a hearing is being scheduled, the dates of previous notices pertaining to the proposal in question.

(K) For NPDES permits only, when a request for a variance as provided in subparagraph (2) (A) (ii) of subsection (q) of this section is filed, the public notice shall include:

(i) A statement that the thermal component of the discharge is subject to effluent limitations in subsection (I) of this section and a brief description, including a quantitative statement, of the thermal effluent limitations proposed for the permit;

(ii) A statement that such a request has been filed and that an alternative less stringent effluent limitation may be imposed on the thermal component of the discharge and a brief description, including a quantitative statement of the alternative effluent limitations, if any, included in the request; and

(iii) If the applicant has filed an early screening request with the commissioner in accordance with 40 CFR 125.72, a statement that the applicant has submitted such a request.

(2) The Commissioner shall cause the public notice or notice of public hearing to be published in a newspaper or newspapers having a substantial circulation in the affected area.

(3) (A) The commissioner shall provide copies of all public notices to the chief elected official, director of health, and chairpersons of the planning, zoning and conservation commissions of the municipality in which the discharge is or will be located, and to those persons and municipalities who have requested to be put on a mailing list for that purpose.

(B) The commissioner shall provide copies of all public notices for NPDES permits to the following persons or agencies:

(i) Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management, the Advisory Council on Historic Preservation, State Historic Preservation Officers, and other appropriate government authorities, including any affected States;

(ii) The U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service;

(iii) Any user identified in the permit application of a privately owned treatment works;

(iv) Persons on a mailing list developed by:

(a) Including those who request in writing to be on the list;

(b) Soliciting persons from participants in past permit proceedings in that area; and

(c) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as regional and state funded newsletters, environmental bulletins, or the Connecticut Law Journal.

(v) Each state agency having any authority under state law with respect to the construction or operation of such facility.

(C) For NPDES permits, the commissioner shall send copies of all fact sheets, permit applications and draft permits to the Regional Administrator and the persons listed under subdivisions (3) (B) (i), (ii) and (iii) above. For permits for discharges to POTWs, the commissioner shall send copies of the public notice to the Regional Administrator and to the superintendent of the POTW.

(D) For state permits, copies of all draft permits, public notices and permit applications shall be sent to any person who requests them.

(E) Any person except municipal officials listed above may by written notice waive their right to receive public notices, fact sheets, draft permits, and permit applications, and the commissioner may then cease sending public notices to that person. The commissioner may also periodically update the list of recipients of such documents by sending a notice by certified mail requesting written indication of continued interest from those listed. The commissioner may delete from the list the name of any person who fails to respond to such request within thirty days.

(4) The commissioner may use any other method necessary to give actual notice of the action in question to any person potentially affected by it.

(h) **Public comments.** During the comment period specified in the public notices, which shall be a minimum of thirty days, any interested person or municipality, including the applicant or permittee, may submit written comments on the proposal which is the subject of the public notice and, if no hearing has already been scheduled, may request such a hearing in accordance with the requirements of section 22a-430 of the Connecticut General Statutes, as amended. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. A hearing shall be held upon receipt of a petition signed by at least twenty-five persons.

(i) **Final determination.**

(1) If public notice is given but no public hearing is held, the Director of Water Compliance shall review the application, supporting data, comments from Department staff and comments received during the comment period, and submit a report to the commissioner which incorporates or briefly describes and responds to all significant comments received, and recommends which provisions, if any, of the draft permit and tentative determination should be changed in the final determination and the reasons for any changes. If a public hearing is held on the application, the hearing officer shall submit such a report to the commissioner.

(2) The commissioner shall consider the report submitted to him in rendering a final determination which may authorize a subsequent action as described under section 22a-430 (b) of the Connecticut General Statutes as amended. A copy of the final determination and the report of the director or hearing officer shall be sent to the applicant or permittee and anyone else who requests it and shall be available to the public. Where no further action, including but not limited to construction of treatment facilities, is required, the final determination shall authorize, or may be incorporated in the issuance, renewal or modification of the permit.

(j) **Public hearings.** Public hearings shall be held pursuant to section 22a-430 of the Connecticut General Statutes as amended, in accordance with section 22a-3a-1 of the Regulations of Connecticut State Agencies, as amended.

(k) **Submission of plans and specifications. Approval.**

(1) If the applicant has received a final determination from the commissioner requiring the submission of plans and specifications or, if a public notice is not required, when submitting an application for a new, renewed or modified permit, the applicant shall, except as allowed under subparagraph (3) below, submit to the commissioner final construction plans and specifications and/or such other information as the commissioner deems necessary to demonstrate that (A) the existing or proposed system to treat the discharge is protecting or will protect the waters of the state from pollution and (B) the applicant is or, upon permit issuance, will be in compliance with all applicable requirements of section 22a-430-3 of the Regulations of Connecticut State Agencies and this section.

(2) Plans and specifications submitted under this subsection shall include at a minimum detailed drawings to scale of all collection, treatment and disposal facilities,

including all individual unit operations and their interconnection, and illustrative drawings of process controls, piping, instrumentation, chemical feed equipment and alarms. Non-structural provisions such as grading, seeding and filling activities shall be shown in as much typical detail as the commissioner determines is necessary to show the intended function of such provisions.

(3) If the commissioner determines that such a demonstration in subparagraph (1) above has been made, he or she shall notify the applicant in writing that the system for treating the discharge is approved, and shall include such conditions as may be necessary to ensure compliance with Chapter 446k of the General Statutes, section 22a-430-3 of the Regulations of Connecticut State Agencies and this section, as amended.

(4) If the commissioner determines that such a demonstration has not been made, he or she shall notify the applicant in writing that the application is denied and the reasons therefor.

(5) If any person has not completed construction of the system approved under subparagraph (3) of this subsection within two years of the approval, the commissioner may revoke such approval and require that a new application be submitted. The commissioner may also require submission of a new application under the following conditions:

(A) An application has been determined by the commissioner to be complete and, at the applicant's request, no further action is taken by the commissioner for more than one hundred and eighty (180) days from the date the application is determined to be complete.

(B) More than one hundred eighty (180) days has elapsed since the Commissioner rendered a final determination on an application and the applicant has made no further contact with the department regarding the application.

(C) For a new or modified permit, an application is determined by the commissioner to be incomplete and more than one hundred and eighty (180) days has elapsed since the commissioner's most recent written request to the applicant or his or her agent for additional information and the applicant has not submitted all of such information.

(I) Establishing effluent limitations and conditions.

(1) (A) The commissioner shall establish effluent limitations and/or other permit conditions for all discharges in order to protect the waters of the state from pollution, ensure compliance with Chapter 446k of the Connecticut General Statutes and regulations adopted thereunder and to ensure that his or her actions are consistent with the provisions of the CWA. Except as provided in subdivision (2) of this subsection, all such limitations and conditions shall be applied at the point of discharge.

(B) All permits shall contain, either specifically or by reference to the specific subsection, the requirements of subsections (b) and (d) through (r), inclusive, of section 22a-430-3 of the Regulations of Connecticut State Agencies and subsections (b), (l), (o), (r), (s) and (t) of this section.

(2) The commissioner may impose effluent limitations on internal wastewater streams before mixing with other wastewater streams in the following instances and, in such instances, the permit shall require that the monitoring required by subsection (j) of section 22a-430-3 of the Regulations of Connecticut State Agencies be applied to the internal wastewater streams instead of at the point of discharge:

(A) If effluent limitations or conditions imposed at the point of discharge would be impractical or infeasible;

(B) When monitoring the point of discharge would not provide meaningful information; or

(C) When effluent limitations or conditions are established specifically for the type of wastewater that comprises the internal wastewater stream.

(3) (A) Each permit shall include all applicable effluent limitations existing on the date of the final determination issued under subsection (i) of this section, except that if a new limitation is adopted between the date of the final determination and permit issuance, the permit shall include the new limitation including a compliance schedule to meet such limitation if necessary, which compliance schedule shall require compliance as soon as possible but no later than an applicable deadline for the limitation as specified in this subsection or five years beyond the date of the final determination, whichever is earlier. If it is necessary for the schedule to exceed nine months from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement, including progress reports where the time between interim dates would otherwise exceed nine months.

(B) Notwithstanding the limitations specified in the permit, (1) the commissioner may, as specified in subdivision (d) (4) of section 22a-430-3 of the Regulations of Connecticut State Agencies, issue an order or, as specified in subdivision (p) (5) of this section, modify the permit to establish more stringent effluent limitations, including a compliance schedule to meet such limitations if necessary; and (2) the permittee must comply with subdivision (e) (2) of section 22a-430-3 of the Regulations of Connecticut State Agencies regarding toxic pollutants.

(4) All permits shall include the effluent limitations and/or conditions contained in this subsection, as applicable. If more than one limitation or condition applies to the same substance, pollutant or situation, the more stringent requirement shall apply. If a discharge for which an effluent limitation is incorporated in this subsection by reference to the CWA or CFR is mixed with another discharge prior to treatment, the applicable limitations shall be adjusted in accordance with 40 CFR 403.6 (e) or on the basis of a case-by-case determination in accordance with subsection (m) of this section, whichever is more stringent.

(A) For NPDES permits, except as specified in subparagraphs (B) and (C) below:

(i) Best Practicable Control Technology Currently Available (BPT), if established for the discharge at 40 CFR Parts 405 through 470 in accordance with section 301 CWA, or, if not so established, as determined pursuant to subsection (m) of this section.

(ii) For the substances listed in Appendix C, Best Conventional Pollutant Control Technology (BCT), if established for the discharge at 40 CFR Parts 405 through 470 pursuant to section 301 CWA, or, if not so established, as determined pursuant to subsection (m) of this section.

(iii) For the toxic substances listed in Appendix D and which meet the requirements of subdivision (l) (4) (A) (xvi) below, Best Available Technology Economically Achievable (BAT) if established for the discharge at 40 CFR Parts 405 through 470 pursuant to section 301 CWA, or, if not so established, as determined pursuant to subsection (m) of this section.

(iv) For the toxic substances listed in Appendix B, which are not in Appendix D and which meet the requirements of subdivision (l) (4) (A) (xvi) below, BAT if established for the discharge at 40 CFR Parts 405 through 470 pursuant to section 301 CWA, or, if not so established, as determined pursuant to subsection (m) of this section.

(v) For the substances identified in 40 CFR Part 129, the applicable standards and prohibitions contained therein.

(vi) For other substances, no later than July 1, 1987, BAT if established for the discharge at 40 CFR Parts 405 through 470 pursuant to section 301 CWA or, if not so established, as determined pursuant to subsection (m) of this section.

(vii) For new sources, New Source Performance Standards (NSPS) if established for the discharge at 40 CFR Parts 405 through 470 in accordance with section 306 CWA.

(viii) Any other limitations or conditions established by EPA pursuant to the applicable requirements of sections 301, 302, 303, 306, 307, 318, and 405 of the CWA.

(ix) Applicable limitations or conditions listed in subsection (s) of this section.

(x) For any substance, limitations or conditions established in order to achieve consistency with the Connecticut Water Quality Standards or the Water Quality Standards of another state if the discharge affects that state, including consideration of the following factors:

(1) The physical, chemical, biological and hydraulic characteristics of the receiving waters.

(2) Acute and chronic toxicity to aquatic organisms.

(3) Bioaccumulation and persistence of toxic substances.

(4) Human health effects.

(5) Water quality criteria published pursuant to section 304 (a) of the Clean Water Act.

(6) Wasteload allocations.

(7) Results of effluent toxicity testing.

(8) Thermal impacts.

(9) Existing and future designated uses of the receiving waters.

(xi) For any substance, limitations or conditions established on a case-by-case basis in accordance with subsection (m) of this section, including those based on fundamentally different factors under 40 CFR Part 125, Subpart D.

(xii) (1) Except for POTWs, where production-based effluent limitations have been adopted under this subsection and as the commissioner otherwise deems necessary, effluent limitations shall be based on actual or reasonably anticipated production using the same time period expressed in any applicable limitation. For a facility discharging part of a wastewater stream to a POTW or to the ground or ground water, if the wastewater stream is subject to production-based mass limitations, the limitations shall be adjusted in direct proportion to the relative flows to surface waters, ground, groundwaters and/or POTW, unless a more stringent limitation has been adopted under this subsection.

(2) If the permit limitations are based on reasonably anticipated production, the permit shall require the permittee to notify the commissioner at least two business days prior to a month in which the permittee expects to operate at a level higher than the lowest production level identified in the permit. The notice shall specify the anticipated level and the period during which the permittee expects to operate at the alternate level. If the notice covers more than one month, the notice shall specify the reasons for the anticipated production level increase. New notice of discharge at alternate levels is required to cover a period or production level not covered by prior notice or, if, during two consecutive months otherwise covered by a notice, the production level at the permitted facility does not in fact meet the higher level designated in the notice.

(3) The permittee shall comply with the limitations that correspond to the lowest level of production specified in the permit, unless the permittee has notified the

commissioner under paragraph (2) above, in which case the permittee shall comply with the lower of the actual level of production during each month or the level specified in the notice.

(4) The permittee shall submit with its monitoring report required by subsection (j) of section 22a-430-3 of the Regulations of Connecticut State Agencies the level of production that actually occurred each month and the limitations applicable to that level of production.

(xiii) For continuous discharges other than those from POTWs, all effluent limitations shall, unless impracticable, be stated as maximum daily and average monthly limitations. For POTWs, all effluent limitations shall be stated as average weekly and average monthly limitations. For noncontinuous discharges, except stormwater, effluent limitations shall be established considering such factors as the frequency and rate of discharge and maximum batch concentration or quantity.

(xiv) All permit limitations shall be expressed in terms of mass except:

(1) pH, temperature, radiation and other substances which cannot appropriately be expressed in terms of mass;

(2) when applicable effluent limitations are expressed in terms of other units of measurement; or

(3) if in establishing effluent limitations on a case-by-case basis under subsection (m) of this section, limitations expressed in terms of mass are infeasible because the mass of the substance cannot be related to a measure of operation, and permit conditions ensure that dilution will not be used as a substitute for treatment.

(xv) If effluent limitations have been established in this subsection for a discharge, the permit limitations shall be expressed in the same units of measurement as the established effluent limitation, and may also be expressed in other units of measurement. If the permit includes limitations in terms of more than one unit of measurement, the permittee shall comply with both limitations.

(xvi) Effluent limitations shall be included in permits to control all toxic substances which the commissioner determines are or may be discharged at a level greater than the level which can be achieved by the applicable requirements of subparagraphs (l) (4) (A) (i) through (ix) of this section. The requirement that the limitations control all such substances will be satisfied by limitation on those substances or limitations on indicator substances which, in the judgment of the commissioner, will provide treatment of toxic substances to the levels required by subparagraphs (l) (4) (A) (i) through (ix) of this section.

(xvii) (1) Upon request of the discharger, the commissioner may adjust effluent limitations other than those established pursuant to subparagraph (4) (A) (x) of this subsection to reflect credit for substances in the discharger's intake water if the discharger demonstrates that the control system it proposes or uses to meet applicable limitations would, if properly operated and maintained, meet the limitations in the absence of such substances in the intake waters.

(2) Credit for substances other than generic substances shall be given only if the substances for which credit is requested are the same as the substances in the intake water which prevent compliance, except for generic substances. Credit for generic substances such as biochemical oxygen demand (BOD) or total suspended solids (TSS) shall not be granted unless the permittee demonstrates that the constituents of the generic measure in the effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process wastewater substances.

(3) Credit shall be granted only to the extent necessary to meet the applicable limitation, up to a maximum value equal to the influent value. Additional monitoring

may be required by the commissioner to determine initial and on-going eligibility for credits and compliance with permit limits and the permit shall include all such additional monitoring requirements.

(4) Credit shall be granted only if the discharger demonstrates that the intake water is drawn from the same body of water into which the discharge is made. The commissioner may waive this requirement if he finds that no environmental degradation will result.

(5) This subdivision does not apply to the discharge of water production wastewaters.

(6) The discharger shall report any changes to his or her operation which may affect eligibility for intake credits in writing to the commissioner within thirty days of the change becoming effective.

(xviii) The commissioner may allow the use of techniques such as flow augmentation and in-stream aeration as a method of achieving water quality standards only when:

(1) After installation of the required technology, the permittee demonstrates that the applicable technology based effluent limitations of subparagraph (4) (A) (iii) of this subsection are not sufficient to achieve the standards;

(2) The permittee agrees to waive any opportunity to request a variance under subparagraph (2) (B) (ii) of subsection (q) of this section; and

(3) The permittee demonstrates to the commissioner's satisfaction that such a technique will better protect the environment than the use of other available methods such as advanced waste treatment, recycle and reuse, land disposal and changes in operating methods.

(xix) If the District Engineer of the U.S. Army Corps of Engineers advises the commissioner in writing that anchorage and navigation of any of the waters of the United States would be substantially impaired by the granting of a permit, and that imposing specified conditions upon the permit is necessary to avoid such impairment, then the commissioner shall include the specified conditions in the permit. Review or appeal of conditions required by the District Engineer or denial under subparagraph (p) (2) (D) of this subsection shall be made through the applicable procedures of the Corps of Engineers, and may not be made through the procedures specified in section 22a-430. If the conditions are stayed by a court of competent jurisdiction or by applicable procedures of the Corps of Engineers, those conditions shall be considered stayed in the NPDES permit for the duration of that stay.

(xx) If the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, or any other State or Federal Agency with jurisdiction over fish, wildlife, or public health advises the commissioner in writing that the imposition of specified conditions in the permit is necessary to avoid substantial impairment of fish, shellfish, or wildlife resources, the commissioner may include the specified conditions in the permit.

(xxi) Effluent limitations or conditions shall be included which meet the applicable requirements of 40 CFR Part 125 Subpart M for ocean dischargers.

(xxii) For a privately owned treatment works, any conditions in the permit issued to the treatment works expressly applicable to any discharger to the treatment works that may be necessary to enable the treatment works to comply with its permit. Alternatively, the commissioner may issue separate permits to the treatment works and any dischargers to it and may require separate applications from any such discharges.

(xxiii) When an NPDES permit is renewed or modified, it shall contain limitations, standards and conditions which are at least as stringent as the final limitations,

standards, and conditions in the previous permit unless (1) the circumstances on which the previous permit was based have changed and would, in accordance with subsection (p) of section 22a-430-3 of the Regulations of Connecticut State Agencies, constitute cause for modification or (2) when effluent limitations were imposed on a case-by-case basis in accordance with subsection (l) of this section in the previously issued permit and these limitations are more stringent than subsequently adopted limitations, and:

(1) The discharger has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations. In this case the limitations in the renewed permit may reflect the level of treatment actually achieved but shall not be less stringent than required by the subsequently adopted limitation; or

(2) The subsequently adopted limitations are based on BCT.

(xxiv) When a permit is issued to a facility which may operate at certain times as a means of transportation over water, it shall include conditions requiring compliance with applicable regulations promulgated by the Secretary of the department in which the U.S. Coast Guard is operating, that establish specifications for safe transportation, handling, carriage and storage of wastes.

(xxv) All effluent limitations for metals shall be in terms of the total recoverable metal, unless an applicable limit has been established under subsection (l) of this section for the dissolved or valent form, or unless all approved analytical methods inherently measure only the dissolved or valent form or unless the commissioner limits only the dissolved fraction.

(B) For NPDES permits for POTWs, the provisions of subparagraphs (l) (4) (A) (i) through (ix) of this section shall not apply, and the following limitations and conditions apply in addition to those specified in subparagraph (l) (4) (A) (x) through (xxiv):

(i) Limitations which are attainable through the use of secondary treatment as defined in subsection (r) of this section.

(ii) Any conditions imposed in grants made by the Administrator to POTWs under section 201 and 204 CWA, or by the commissioner under section 22a-439-1 through 22a-439-4 of the Regulations of Connecticut State Agencies as amended, which are necessary to ensure compliance with applicable effluent limitations.

(iii) Any conditions regarding the disposal of sewage sludge, required by section 405 of the CWA or regulations adopted thereunder.

(iv) Effluent limitations shall be based on design flow.

(C) For NPDES permits for facilities discharging only domestic sewage which are not POTWs, the provisions of subparagraphs (l) (4) (A) (i) through (ix) of this section shall not apply. In addition to the limitations and conditions specified in subparagraphs (l) (4) (A) (x) through (xxv), the permittee shall meet BAT if established for the discharge at 40 CFR parts 405 through 470 pursuant to section 301 CWA or, if not so established, the requirements listed in subsection (r) of this section or limitations established on the basis of a case-by-case determination in accordance with subsection (m) of this section, whichever are more stringent.

(D) For permits for discharges to POTWs:

(i) If established for the discharge at 40 CFR Parts 405 through 470 in accordance with section 307 CWA, PSNS for new sources and PSES for all other discharges. Existing discharges to surface waters or ground waters which are redirected to a POTW after adoption of a pretreatment standard shall meet PSES, unless the dis-

charge is a new source, in which case PSNS requirements shall be met at the time the redirected discharge is commenced.

(ii) Applicable limitations listed in subsection (s) of this section.

(iii) For any substance, limitations or conditions established on a case-by-case basis in accordance with subsection (m) of this section.

(iv) For any substance, limitations or conditions established in order to achieve consistency with the Connecticut Water Quality Standards or the Water Quality Standards of another state if the discharge affects that state, including consideration of the following factors:

(a) The physical, chemical, biological and hydraulic characteristics of the receiving waters.

(b) Acute and chronic toxicity to aquatic organisms.

(c) Bioaccumulation and persistence of toxic substances.

(d) Human health effects.

(e) Water quality criteria published pursuant to section 304 (a) of the Clean Water Act.

(f) Wasteload allocations.

(g) Results of effluent toxicity testing.

(v) Limitations or conditions established in order to ensure compliance with subsection (t) of this section.

(vi) When a permit is renewed or modified for a discharge to a POTW, it shall contain effluent limitations which are at least as stringent as the effluent limitations in the previous permit, unless (1) the circumstances or information on which the previous permit was based have changed and would, in accordance with subsection (p) of this section, constitute cause for modification or (2) if the discharger has installed the treatment facilities required to meet the effluent limitations in the previous permit and has shown to the commissioner's satisfaction that he or she has properly operated and maintained the facilities but has nevertheless been unable to meet the previous limitations. In this case the limitations in the renewed permit may reflect the level of treatment actually achieved but shall not be less stringent than required by any limitation specified in subparagraph (l) (4) (D) of this section other than under (D) (iii).

(E) For permits for discharges to the ground waters of the state:

(i) Applicable limitations listed in subsection (s) of this section.

(ii) For any substance, limitations or conditions established on a case-by-case basis in accordance with subsection (m) of this section.

(iii) For any substance, limitations or conditions established in order to achieve consistency with the Connecticut Water Quality Standards or the Water Quality Standards of another state if the discharge affects that state, including consideration of the following factors:

(a) The physical, chemical, biological and hydraulic characteristics of the receiving waters.

(b) Acute and chronic toxicity to aquatic organisms.

(c) Bioaccumulation and persistence of toxic substances.

(d) Human health effects.

(e) Water quality criteria published pursuant to section 304 (a) of the Clean Water Act.

(f) Wasteload allocations.

(g) Results of effluent toxicity testing.

(F) The commissioner may include any other condition in a permit which he or she deems reasonably necessary to ensure compliance with chapter 446k of the Connecticut General Statutes and regulations adopted thereunder as amended, to ensure that his or her actions are consistent with the CWA and to ensure proper operation of a treatment facility or any other part thereof.

(5) (A) No discharge may cause acute or chronic toxicity in the receiving water, either singly or in combination with other discharges considering any zones of influence established consistent with the Connecticut Water Quality Standards, as amended. Limitations on toxicity may be expressed in terms of the percent concentration of discharge in the receiving water below which no acute or chronic toxicity will occur. Compliance with limitations on toxicity shall be determined as follows:

(i) For acute toxicity, based on the results of acute toxicity tests conducted on representative samples of the discharge in accordance with subsection (j) of Section 22a-430-3 of the Regulations of Connecticut State Agencies. A discharge shall be considered acutely toxic if the LC50 concentration multiplied by an application factor of 0.33 is less than the discharge limitation expressed above with the exception of discharges which exceed thirty three percent concentration in the receiving water in which case the discharge will be considered acutely toxic if the NOAEL concentration is less than the discharge limitation expressed above.

(ii) For chronic toxicity, based on the results of acute toxicity tests conducted on a representative sample of the discharge in accordance with subsection (j) of section 22a-430-3 of the Regulations of Connecticut State Agencies. A discharge shall be considered chronically toxic if the LC50 concentration multiplied by an application factor of 0.05 is less than the discharge limitation expressed above, with the exception of discharges which exceed fifteen percent concentration in the receiving water in which case the discharge will be considered chronically toxic if the NOAEL concentration multiplied by an application factor of 0.15 is less than the discharge limitation expressed above.

(iii) In lieu of determining compliance with chronic toxicity limitations pursuant to subparagraph (A) (ii) above, the commissioner may determine compliance based on any other information he or she deems relevant including but not limited to the information specified in subparagraph (I) (5) (A) (v) of this section and subparagraph (j) (7) (B) (i) of section 22a-430-3 of the Regulations of Connecticut State Agencies.

(iv) In determining compliance with discharge limitations on acute and chronic toxicity the arithmetic average of all total daily flows for all operating days within the previous thirty consecutive operating days may be used in lieu of the permitted average flow provided the total flow for any single operating day does not exceed the average daily flow for the previous thirty consecutive operating days by more than twenty-five (25) percent. In making such a determination, the commissioner may consider the hours of operation of the facility.

(v) Mixing of a discharge with receiving water provides for no reduction in the toxicity of that discharge with the exception of that which occurs due to dilution of the discharge unless the applicant demonstrates to the satisfaction of the commissioner that the physical or chemical composition of the receiving waters has a measurable capacity to assimilate toxicity present in the discharge or that one or more of the chemical substances present in the discharge degrade rapidly due to naturally occurring physical, chemical, or biological processes in the receiving water rendering the discharge less toxic than can be accounted for by dilution alone. Demonstration of the existence, magnitude, and rate of the above mentioned processes shall be accomplished through submission of the following:

(a) Acute or chronic toxicity test data comparing the toxicity of representative discharge samples diluted with water taken from the receiving water with the toxicity of aliquots of these same samples diluted with synthetic freshwater, estuarine water, or marine water used to determine compliance with discharge limitations for toxicity;

(b) Physical and chemical analysis data concerning the degradation of substances responsible for toxicity known to be present in the discharge and responsible for discharge toxicity following discharge to the receiving waters. This data shall be collected under conditions which can reasonably be expected to occur at the discharge site during 7Q10 conditions or such other low flow conditions consistent with the Connecticut Water Quality Standards as amended and may include data collected in the receiving waters at the discharge site; a summary of data collected at other similar sites; laboratory studies designed to mimic natural conditions; and any other information the commissioner deems relevant.

(c) The results of chronic toxicity tests conducted on representative samples of the effluent in accordance with subdivision (10) of subsection (j) of section 22a-430-3 of the Regulations of Connecticut State Agencies.

(B) The commissioner may establish seasonal permit limitations for acute and chronic toxicity pursuant to subparagraph (A) of this subdivision provided the applicant demonstrates to the satisfaction of the commissioner that:

(i) Appropriate facilities have been installed or operational modifications made to adequately regulate and control the rate of discharge and toxicity of the effluent, for each seasonal permit period, and

(ii) Seasonal permit limits will result in no acute or chronic toxicity in the receiving water during each seasonal permit period including consideration of the expected composition of the aquatic biological community during each seasonal permit period with respect to the possible presence of sensitive life stages or events such as migration and spawning which may occur during the seasonal permit period.

(C) Notwithstanding the provisions of subparagraphs (A) and (B) of this subdivision, the commissioner may determine that water quality-based effluent limitations to protect aquatic organisms from chronic toxic impacts are not required provided:

(i) The applicant demonstrates to the satisfaction of the commissioner that no reasonable relationship exists between the economic and social costs of attaining the objectives of the Federal Clean Water Act and section 22a-430 of the Connecticut General Statutes, including attainment of the uses designated for the receiving waters in accordance with the Connecticut Water Quality Standards, and the benefits to be gained by achieving the above mentioned objectives pursuant to the provisions of section 302 of the Federal Clean Water Act, and;

(ii) The applicant conducts a use attainability analysis according to the practices and procedures set forth in the Federal Water Quality Standards Regulations (48 FR 51400) demonstrating to the satisfaction of the commissioner that the designated uses for the receiving waters established in the Connecticut Water Quality Standards can not be attained regardless of the type and degree of treatment provided to the effluent, including elimination of the discharge from the receiving stream.

(D) Except as allowed by subparagraph (D) (iii) below for chronic toxicity, limitations on acute and chronic toxicity established in accordance with subparagraph (l) (5) (A) above shall be incorporated in permits in accordance with the following schedule:

(i) For new and renewed permits, upon permit issuance or renewal.

(ii) For existing permits, through permit modification, no earlier than July 1, 1988, if the results of testing required by subparagraph (10) (A) of subsection (j)

of section 22a-430-3 of the Regulations of Connecticut State Agencies have been submitted to the commissioner, and at any time after January 1, 1989 notwithstanding compliance by the permittee with such requirements.

(iii) In the case of an existing discharge, an applicant or permittee may elect to undertake additional studies, or provide additional documentation or other information in accordance with subparagraph (j) (7) (B) (i) of section 22a-430-3 of the Regulations of Connecticut State Agencies in order to justify alternative limitations on chronic toxicity only. The applicant or permittee must notify the commissioner of his or her intent in this regard, either as part of the report required by subparagraph (j) (10) (A) of section 22a-430-3 of the Regulations of Connecticut State Agencies, or with the permit renewal application, whichever required date is earlier. If such a notification is received by the commissioner in a timely manner, the limitations on chronic toxicity shall be incorporated in the permit no earlier than July 1, 1990. Such notification shall not stay the incorporation of acute toxicity limitations in accordance with subparagraphs (D) (i) and (D) (ii) above.

(m) Case-by-case determinations

(1) In establishing permit limitations or conditions on a case-by-case basis pursuant to subsection (l) of this section, the commissioner shall consider the following factors: the impacts of the discharge on the receiving waters or its use or any sewerage system or the operation thereof, treatability of the wastewater in question, potential for spills, leaks or other uncontrolled releases, including but not limited to releases of toxic organic chemicals, and any other factors which he or she deems necessary. In making such an evaluation, the commissioner shall consider the discharge both alone and in combination with other discharges to the same receiving waters.

(2) Prior to establishing effluent limitations or conditions on a case-by-case basis, the commissioner shall determine that the facilities, procedures or means required to meet those limitations and conditions are (A) successfully employed by a reasonable number of dischargers of the type of wastewater in question or (B) capable of treating the wastewater to the degree required without creating an undue burden on the discharger. In the case of NPDES permits, in determining whether an undue burden will be created, the commissioner shall consider the factors listed at 40 CFR 125.3 (D).

(n) Permit issuance or renewal.

(1) When the applicant has verified in writing to the commissioner that he or she has installed the system for treating the discharge in full compliance with the approval issued under subsection (k) of this section and has complied with all conditions of said approval or the final determination issued under subsection (i) of this section, and the commissioner is satisfied that the system has been so installed, or when the final determination has authorized the issuance, renewal or modification of the permit, the commissioner shall issue, renew or modify the permit. The permit shall be subject to the requirements of section 22a-430 (c) and shall contain all applicable requirements of this section and section 22a-430-3 of the Regulations of Connecticut State Agencies either specifically or by reference to a specific section.

(2) A copy of the final permit shall be sent to the applicant, any other person or municipality requesting a copy, and, for NPDES permits only, the Regional Administrator.

(o) Permit or Application Transfer.

A permit or application may not be transferred without the prior written approval of the commissioner. To request such approval, a permittee or applicant shall, at

least thirty days prior to the proposed transfer date, submit to the commissioner a written agreement between the existing and new permittee or applicant which contains a specific date for the transfer of permit responsibility and coverage between them and is signed by all parties in accordance with subparagraph (b) (2) (A) of section 22a-430-3 of the Regulations of Connecticut State Agencies. Upon review of such agreement, the commissioner shall either send a notice to the permittee or applicant denying the request and briefly stating the reasons for such denial, or approve the transfer by letter in the case of a transferred application or, for a transferred permit, modifying the permit in accordance with subsection (p) of this section to identify the new permittee and incorporate such other requirements as may be necessary. In reviewing a transfer request, the commissioner may consider any noncompliance by the transferee with any statute or regulation administered by the commissioner or any order or permit issued by the commissioner. In lieu of denial of the transfer, the commissioner may require the transferee to submit an application for a new permit or a modified permit.

(p) Permit revocation, denial or modification.

(1) The commissioner may revoke or modify a permit on his or her own initiative or on request of the permittee or any other person or municipality for the reasons specified in this subsection. All requests shall be in writing and contain facts and reasons supporting the request. A permittee requesting revocation of a permit shall state the requested date of revocation and shall, prior to revocation, provide the commissioner with satisfactory evidence that the discharge has been permanently eliminated. The commissioner shall notify the person making the request and the permittee in writing of the disposition of the request within ten days of making a decision.

(2) The commissioner shall deny a permit application in the following circumstances:

(A) When the commissioner determines in accordance with subsection (e) of this section that the imposition of conditions cannot ensure that the discharge, either singly or in combination with other discharges, (i) would not cause or contribute to pollution or that any proposed system to treat the discharge will protect the waters of the state from pollution as determined in accordance with subsection (e) of this section, (ii) would not endanger human health or the environment or (iii) would be consistent with the Connecticut Water Quality Standards and the water quality standards of another state.

(B) For a new discharge or a new source discharging into a water body which does not meet the Connecticut Water Quality Standards, if a waste load allocation has been developed for that water body, and if insufficient allocations exist for that discharge, or if any discharges into the water body existing at the time of the application are not yet subject to compliance schedules to bring the water body back into compliance with the Water Quality Standards.

(C) When the conditions of the permit do not assure compliance with chapter 446k of the Connecticut General Statutes and regulations adopted thereunder as amended, or when the issuance of the permit would not be consistent with the provisions of the Clean Water Act.

(D) When, in the judgment of the Secretary of the Army, anchorage and navigation would be substantially impaired by the discharge.

(E) For the discharge of any radiological, chemical or biological warfare agent or high level radioactive waste.

(F) For NPDES permits only, when the Regional Administrator objects to the issuance of the permit as allowed under 40 CFR Part 123.44.

(G) Where he or she has insufficient information to determine whether the applicant will be able to comply with chapter 446k of the Connecticut General Statutes and regulations adopted thereunder as amended.

(3) The commissioner may deny a permit application in accordance with section 22a-430 of the Connecticut General Statutes and section 22a-3a-1 of the Regulations of Connecticut State Agencies as amended for the following reasons:

(A) Noncompliance by the permittee with any statute or regulation administered by the commissioner, or any order or permit issued by the commissioner; or

(B) The applicant's failure in the permit issuance process to submit a completed application or disclose fully all relevant facts, or to comply with any conditions of an approval issued pursuant to subsection (k) of this section, or the applicant's misrepresentation of any relevant facts at any time.

(4) The commissioner may revoke a permit during its term in accordance with section 4-182 (c) of the Connecticut General Statutes as amended, for the following reasons:

(A) Noncompliance by the permittee with any statute or regulation administered by the commissioner, or any order or permit issued by the commissioner;

(B) The applicant's failure in the permit issuance process to submit a completed application or disclose fully all relevant facts, or the applicant's misrepresentation of any relevant facts at any time;

(C) The discharge is likely to endanger human health or the environment and the commissioner determines that permit revocation or denial is necessary to alleviate such danger; or

(D) A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge authorized by the permit, including but not limited to plant closure or connection to a POTW.

(5) (A) The commissioner may modify a permit during its term in accordance with this section for the reasons specified in subdivision (4) of this subsection or for any reason specified in subdivision (d) (4) of section 22a-430-3 of the Regulations of Connecticut State Agencies or 40 CFR 122.62, provided:

(i) Such modification can not reasonably be expected to result in pollution of the waters of the state, or any other condition which would violate the provisions of Chapter 446k of the General Statutes, or regulations adopted thereunder as amended;

(ii) Such modification will result in a permit no less stringent than allowed by the Clean Water Act and the Safe Drinking Water Act and regulations adopted thereunder; and

(iii) Such modification does not extend the term of the permit unless such modification is also part of a permit renewal.

(B) The commissioner may make the following minor modifications to a permit with or without following the procedures specified in subsection (g) of this section.

(i) correct typographical errors;

(ii) with the consent of the permittee, require more or less frequent or new monitoring or reporting by the permittee, provided the minimum requirements of subsection (j) of section 22a-430-3 of the Regulations of Connecticut State Agencies are met, and the new monitoring does not authorize the discharge of a substance not authorized by the previous permit;

(iii) with the consent of the permittee, change an interim compliance date in a schedule of compliance, provided, for NPDES permits only, the new date is not more than one hundred twenty (120) days after the date specified in the existing

permit and does not interfere with attainment of the final compliance date requirement;

(iv) with the consent of the permittee, transfer ownership or operational control of a facility where the commissioner determines that no other change in the permit is necessary, provided the procedures specified in subsection (o) of this section are followed;

(v) with the consent of the permittee, delete a discharge, pollutant or substance from the permit when the discharge or the use of the pollutant or substance is terminated or if the pollutant or substance was never used, and the change does not result in a discharge from another location, except in accordance with existing permit limits; or

(vi) bring the permittee into conformance with a new or revised method of collection or treatment approved by the commissioner, provided such minor modification does not result in a permit which is less stringent than the existing permit.

(vii) With the consent of the permittee, make limitations on existing pollutants or other permit conditions more stringent, including the addition of limitations on acute and chronic toxicity in accordance with subsection (l) of this section.

(C) For NPDES permits only, if any limitation on a toxic substance is adopted in subsection (l) of this section by incorporation by reference to section 307 (A) of the CWA, and that limitation is more stringent than any limitation in the permit or affects a substance not already limited in the permit, the commissioner shall modify the permit in accordance with this subsection.

(D) When the commissioner intends to modify a permit, he or she shall indicate in the public notice those terms and conditions which he or she proposes to modify and any other terms and conditions which are subject to revision. Only those provisions which are specified as subject to revision may be modified. The permit as modified shall continue in effect for the remainder of its original term.

(E) The commissioner may require the applicant to submit a complete application for renewal of a permit in lieu of a request for modification.

(6) The permittee shall comply with all conditions of the existing permit until the permit is revoked or modified.

(q) **Variations**

Variations from the requirements of subsection (l) of this section which are specified in this subsection may be granted by the commissioner in accordance with the following procedures:

(1) **General**

(A) All variance requests shall be submitted in writing by the applicant as part of an application for permit issuance, renewal or modification under subsection (a) or (b) of this section, and shall include information which the commissioner determines is necessary to review the request, including but not limited to the following:

(i) The requirement from which the variance is requested;

(ii) A description of the variance sought;

(iii) Documentation that alternatives exist or, for new discharges, will be provided, which ensure protection of the environment and the public health, safety and welfare at least equivalent to the requirement, and that such requirement is clearly not justified.

(B) No variance from any provision of this section or section 22a-430-3 of the Regulations of Connecticut State Agencies may be granted unless it is authorized by this subsection, and no variance may be granted which violates or results in a violation of or inconsistency with the Connecticut General Statutes or the Connecticut

Water Quality Standards, or which creates a real or potential threat to public health, safety or welfare or the environment, or which causes an adverse impact on the operation of any sewerage system, or existing or proposed method of sludge disposal for such system.

(C) In requesting renewal of a permit which includes a variance, the applicant shall apply for and justify the renewal of said variance in accordance with the provisions of this subsection.

(D) The commissioner may grant a variance from the technology requirements of subdivision (1) of subsection (s) of this section if the applicant demonstrates to the satisfaction of the commissioner that the proposed alternative is capable of meeting the applicable effluent limitations required in subsection (s) of this section.

(E) The commissioner may limit the duration of a variance and include in a variance any conditions which he or she deems necessary. A variance may be revoked or modified for failure to comply with any such condition.

(F) For discharges to POTWs, the commissioner may include in a permit any variances granted by EPA based on fundamentally different factors in accordance with the criteria and procedures provided in 40 CFR 403.13 and in this subsection.

(G) For existing discharges only, the commissioner may grant a variance which allows less stringent effluent limitations than those listed in subparagraph (2) of subsection (s) of this section, but in no case less stringent than any other limitations required by subsection (l) of this section, based on a showing by the applicant that he or she has:

(i) Installed and operated facilities meeting the applicable technology requirements of subparagraph (1) of subsection (s) of this section in a manner approved by the commissioner;

(ii) Demonstrated that such limitations are not achievable using such facilities;

(iii) Demonstrated that reasonable adjustments or additions to the treatment or production facilities will not result in compliance with such limitations, including but not limited to the use of alternate treatment chemicals, variation of treatment conditions, raw material substitution and additional control facilities; and

(iv) Submitted an application for a permit modification or renewal which documents the actual level of treatment attainable by the installed facilities and which specifies the alternate limitation(s) requested.

(2) Additional Variances for NPDES Permits, except Discharges from POTWs

(A) The commissioner may grant or deny requests for the following variances, subject to EPA objection:

(i) After consultation with the Regional Administrator, extensions of the deadline for BAT based on the use of innovative technology, in accordance with the criteria and procedures specified in 40 CFR Part 125 Subpart C.

(ii) Alternate effluent limitations for thermal discharges in accordance with the criteria and procedures specified in 40 CFR Part 125 Subpart H. The applicant shall send a copy of any variance request submitted under this paragraph to the U.S. Secretary of the Interior and Secretary of Commerce.

(B) The commissioner may deny, or forward to the Regional Administrator with a written concurrence, or submit to EPA without recommendation a completed request for:

(i) A variance based on the presence of fundamentally different factors in accordance with 40 CFR Part 125 Subpart D. Such request shall explain how the requirements of 40 CFR Part 125 Subpart D have been met.

(ii) A variance for any discharger which is not a POTW from the BAT limitations for non-conventional pollutants in accordance with 40 CFR Part 125 Subpart F, pursuant to section 301 (g) CWA because of the environmental considerations specified therein, when those limitations were adopted in subsection (l) of this section by incorporation by reference to the CWA or CFR. This variance is only available for effluent limitations adopted after December 27, 1977, and must be filed no later than 270 days after the adoption of the applicable limitation and must demonstrate that the requirements of 40 CFR Part 125 have been met.

(C) The commissioner may grant variances from the secondary treatment requirements of subparagraph (r) (1) of this subsection in accordance with this subsection and subparagraphs (r) (2) and (r) (3) of this section.

(r) **Secondary treatment requirements for POTWs and facilities discharging only domestic sewage to surface waters:**

(1) The following effluent limitations shall apply:

(A) Biochemical oxygen demand (five day).

(i) The average concentration of all daily composite samples taken over any thirty consecutive day period shall not exceed 30 milligrams per liter.

(ii) The average concentration of all daily composite samples taken in any seven consecutive day period shall not exceed 45 milligrams per liter.

(iii) The maximum daily concentration shall not exceed 50 milligrams per liter.

(iv) The average effluent concentration shall not exceed 15 percent of the average influent concentration for all daily composite samples taken in any thirty consecutive day period.

(B) Suspended solids.

(i) The average concentration of all daily composite samples taken in any thirty consecutive day period shall not exceed 30 milligrams per liter.

(ii) The average concentration of all daily composite samples taken in any seven consecutive day period shall not exceed 45 milligrams per liter.

(iii) The maximum daily concentration shall not exceed 50 milligrams per liter.

(iv) The average effluent concentration shall not exceed 15 percent of the average influent concentration for all daily composite samples taken in any thirty consecutive day period.

(C) pH. The effluent values for pH shall be maintained within the limits of 6.0 to 9.0 unless the permittee demonstrates as part of an application for permit issuance, renewal or modification, that:

(i) Inorganic chemicals are not added to the waste stream as part of the treatment process; and

(ii) Contributions from industrial sources do not cause the pH of the effluent to be less than 6.0 or greater than 9.0.

(2) Certain POTWs may not be capable of meeting the percentage removal requirements of subparagraph (1) of this subsection during wet weather if they receive flow from combined sewers (sewers which are designed to transport both storm water and sanitary sewage). For such POTWs, the commissioner may determine an alternate required percentage removal level unless another more stringent requirement applies under subsection (l) of this section.

(3) For certain process wastewater discharges, the allowable discharge to surface waters of biochemical oxygen demand and suspended solids permitted in an NPDES permit may be less stringent than the values given in subparagraph (1) of this subsection. In cases where wastes would be introduced from such an industrial category into a publicly owned treatment works, the commissioner may increase

the effluent limitations for the POTW for biochemical oxygen demand and suspended solids beyond those listed in subparagraph (1) (A) of this subsection provided:

(i) The permitted discharge of such pollutants, attributable to the process wastewater discharge, would not be greater than that which would be permitted under an NPDES permit for such discharge directly into the surface waters, and

(ii) the flow or loading of such pollutants introduced by the process wastewater discharge exceeds ten (10) percent of the design flow or loading of the publicly owned treatment works. When such an adjustment is made, the values for biochemical oxygen demand or suspended solids in subparagraph (1) of this subsection should be adjusted proportionally.

(s) Treatment requirements

(1) For metal finishing discharges, nonferrous metals manufacturing discharges, iron and steel manufacturing discharges, electrical and electronic components discharges, aluminum forming discharges, battery manufacturing discharges, coil coating discharges, copper forming discharges and metal molding and castings discharges, if any of the following substances are present in a discharge at concentrations higher than the limitations allowed in subparagraph (2) of this subsection prior to mixing with other categories of discharge, the listed treatment technology is required:

(A) Cyanide. Complete destruction beyond the cyanate form prior to mixing with non-cyanide wastewaters. If by alkaline chlorination, two-stage destruction is required.

(B) Hexavalent Chromium. Complete reduction to the trivalent form prior to mixing with non-hexavalent chromium bearing wastewaters.

(C) Metals. Pretreatment for chelating agents, neutralization, flocculation/coagulation, and clarification and/or filtration with sludge dewatering and/or removal as necessary.

(2) For process wastewater discharges from the categories listed in subdivision (s) (1), the following effluent limitations shall apply:

<u>Parameter</u>	<u>Allowable Effluent Concentrations mg/l (1)(4)</u>		
	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Instantaneous (2)</i>
Aluminum (4)	2.0	4.0	6.0
Barium	2.0	4.0	6.0
Cadmium	0.1 (0.07)	0.5 (0.11)	0.75
Chromium, Hexavalent (3)	0.1	0.2	0.3
Chromium, Total	1.0	2.0	3.0
Copper	1.0	2.0	3.0
Cyanide, Amenable (3)	0.1	0.2	0.3
Cyanide, Total	0.65	1.2	–
Fluoride	20.0	30	45.0
Gold	0.1	0.5	0.75
Iron (4)	3.0	5.0	7.5
Lead	0.1	0.5	0.75
Nickel	1.0	2.0	3.0
Silver	0.1	0.5	0.75
Tin	2.0	4.0	6.0
Zinc	1.0	2.0	3.0
Total Suspended Solids (4)	20.0	30.0	45.0
Oil and Grease (4)	10.0	–	20.0

(1) All values are for new and existing discharges except for cadmium, in which case the numbers in parentheses are for new discharges only.

(2) As determined by a grab sample.

(3) All values are for the effluent from the treatment system prior to mixing with any other wastewaters or discharges, except that the commissioner may apply the limitations for hexavalent chromium and/or amenable cyanide at the discharges from the chromium reduction and cyanide destruction systems, respectively, if in his or her opinion the flow from such system is too low in relation to the total flow from the treatment system to allow a meaningful or accurate measurement at the final discharge. Such alternate limitations shall not result in greater quantities of these substances being discharged than those which would be discharged if the limitations specified above were applied at the effluent from the treatment system.

(4) These limitations apply only to NPDES permits.

(3) The following minimum levels of treatment apply to the corresponding categories of discharge, subject to the approval of the commissioner. The commissioner may require additional treatment on a case-by-case basis.

(A) For minor photographic processing wastewaters, silver recovery.

(B) For groundwater contamination recovery system wastewaters from oil recovery operations, gravity separation and skimming of floatable materials in a tank with a retention time of at least six hours and, for groundwater contamination recovery system wastewaters from gasoline recovery operations, aeration or carbon adsorption. For receiving waters designated in the "Connecticut Water Quality Standards and Classifications" as a goal of AA or A, the total volatile hydrocarbon concentration of the discharge shall not be greater than ten parts per billion at any time.

(C) For vehicle service drains and vehicle washing facilities, gravity separation and skimming in a tank with a capacity of 1000 gallons or a retention time of at least twenty four hours at the average daily flow, whichever is greater.

(D) For minor tumbling and cleaning of parts wastewaters, gravity separation in a tank with a retention time of at least twenty four hours at average daily flow.

(E) For furniture refinishing rinsewaters, neutralization if acids are used in the process, and solids removal by gravity separation or filtration.

(F) For transfer station floor drains, gravity separation and skimming of floatable materials.

(G) For incinerator scrubber wastewaters, neutralization to a pH of between 6.0 and 10.0, and gravity settling.

(H) For carpet and upholstery cleaners, removal of lint through filtration.

(t) **Discharges to POTWs—prohibitions**

(1) For discharges to POTWs, no discharge may for any reason cause or threaten, either singly or in combination with other discharges:

(A) Interference with or adverse effect upon the operation of the POTW.

(B) Interference with or adverse effect upon the POTW's sludge handling, use or disposal, including but not limited to noncompliance with section 405 CWA, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Act or any local or state laws, regulations or ordinances.

(C) The POTW to exceed its influent design loading parameters.

(D) The POTW to violate its permit, including but not limited to exceeding its permit limits.

(E) A worsening of any condition which is causing the POTW to exceed its influent design loading parameters or violate its permit.

(F) Pass through any substance into the receiving waters which then causes or threatens pollution.

(2) No discharge to a POTW may contain:

(A) Any substance which causes or threatens a fire or explosion hazard in the POTW.

(B) Any substance which causes or threatens corrosive structural damage to the POTW. In no case shall a substance with a pH less than 5.0 be discharged unless the POTW is specifically designed to accommodate such a discharge.

(C) Solid or viscous wastes in amounts which cause or threaten obstruction to flow in the sewers.

(D) Heat in such amounts that the temperature of the POTW influent exceeds 104°F, unless the POTW is designed to accommodate such heat.

Appendix A

Primary Industry Categories

Adhesives and sealants²

Aluminum forming¹

Auto and other laundries²

Battery manufacturing¹

Coal mining¹

Coil coating¹

Copper forming¹

Electrical and electronic components¹

Electroplating¹

Explosives manufacturing³

Foundries¹

Gum and wood chemicals³

Inorganic chemicals manufacturing¹

Iron and steel manufacturing¹

Leather tanning and finishing¹

Mechanical products manufacturing¹

Nonferrous metals manufacturing¹

Ore mining¹

Organic chemicals manufacturing¹

Paint and ink formulation³

Pesticides¹

Petroleum refining¹

Pharmaceutical preparations¹

Photographic equipment and supplies³

Plastics processing¹

Plastic and synthetic materials manufacturing¹

Porcelain enameling¹

Printing and publishing³

Pulp and paper mills¹

Rubber processing³

Soap and detergent manufacturing³

Steam electric power plants¹

Textile mills¹

Timber products processing¹

¹ Means wastewaters from this source, as defined pursuant to section 301 of the 1972 federal Water Pollution Control Act 33 U.S.C. 1251 et seq.

² Means wastewaters from this source, as defined pursuant to the 1972 Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget.

³ Defined in section 22a-430-6 (b) of the Regulations of Connecticut State Agencies.

Appendix B

Table I—Testing Requirements for Organic Toxic Substances by Primary Industry Category for Existing Discharges

<i>Industrial category</i>	<i>GC/MS Fraction⁴</i>			
	<i>Volatile</i>	<i>Acid</i>	<i>abBase/neutral</i>	<i>Pesticide</i>
Adhesives and Sealants ²	*	*	*	
Aluminum Forming ¹	*	*	*	
Auto and Other Laundries ²	*	*	*	*
Battery Manufacturing ¹				
Coal Mining ¹	*	*	*	*
Coil Coating ¹	*	*	*	
Copper Forming ¹	*	*	*	
Electric and Electronic Components ¹	*	*	*	*
Electroplating ¹	*	*	*	
Explosives Manufacturing ³		*	*	
Foundries ¹	*	*	*	
Gum and Wood Chemicals ³ (except the following)	*	*		
Gum & Wood—	*	*	*	
Tall Oil Rosin			*	
Gum & Wood—	*	*		
Rosin based derivatives			*	
Inorganic Chemicals Manufacturing ¹	*	*		
Iron and Steel Manufacturing ¹	*	*	*	
Leather Tanning and Finishing ¹	*	*	*	
Mechanical Products Manufacturing ¹	*	*	*	
Nonferrous Metals Manufacturing ¹	*	*	*	*
Ore Mining ¹ —base and precious metals		*		
Organic Chemicals Manufacturing ¹	*	*	*	*
Paint and Ink Formulation ³	*	*	*	
Pesticides ¹	*	*	*	*
Petroleum Refining ¹	*			
Pharmaceutical Preparations ¹	*	*	*	
Photographic Equipment and Supplies ³	*	*	*	
Plastic and Synthetic Materials Manufacturing ¹	*	*	*	*
Plastic Processing ¹	*			
Porcelain Enameling ¹			*	
Printing and Publishing ³	*	*		*
Pulp and Paper Mills ¹	*	*	*	*
Rubber Processing ³	*	*	*	
Soap and Detergent Manufacturing ³	*	*	*	
Steam Electric Power Plants ¹	*	*		
Textile Mills ¹ —except Grieve mills	*	*	*	
Timber Products Processing ¹	*	*	*	*

¹ Means wastewaters from this source, as defined pursuant to section 301 of the 1972 federal Water Pollution Control Act 33 U.S.C. 1251 et seq.

² Means wastewaters from this source, as defined pursuant to the 1972 Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget.

³ Defined in section 22a-430-6 (b) of the Regulations of Connecticut State Agencies.

⁴ The toxic pollutants in each fraction are listed in Table II.

* Testing required.

Table II—Organic Toxic Substances in Each of Four Fractions in Analysis by Gas Chromatography/Mass Spectroscopy (GS/MS)

Volatiles

- 1 acrolein
- 2 acrylonitrile
- 3 benzene
- 5 bromoform
- 6 carbon tetrachloride
- 7 chlorobenzene
- 8 chlorodibromomethane
- 9 chloroethane
- 10 2-chloroethylvinyl ether
- 11 chloroform
- 12 dichlorobromomethane
- 14 1, 1-dichloroethane
- 15 1, 2-dichloroethane
- 16 1, 1-dichloroethylene
- 17 1, 2-dichloropropane
- 18 1, 2-dichloropropylene
- 19 ethylbenzene
- 20 methylbromide
- 21 methylchloride
- 22 methylene chloride
- 23 1, 1, 2, 2-tetrachloroethane
- 24 tetrachloroethylene
- 25 toluene
- 26 1, 2-trans-dichloroethylene
- 27 1, 1, 1-trichloroethane
- 28 1, 1, 2-trichloroethane
- 29 trichloroethylene
- 31 vinyl chloride

Acid Compounds

- 1 2-chlorophenol
- 2 2, 4-dichlorophenol
- 3 2, 4-dimethylphenol
- 4 4, 6-dinitro-o-cresol
- 5 2, 4-dinitrophenol
- 6 2-nitrophenol
- 7 4-nitrophenol
- 8 p-chloro-m-cresol
- 9 pentachlorophenol
- 10 phenol
- 11 2, 4, 6-trichlorophenol

Base/Neutral

- 1 acenaphthene
- 2 acenaphthylene
- 3 anthracene

- 4 benzidine
- 5 benzo(a)anthracene
- 6 benzo(a)pyrene
- 7 3, 4-benzofluoranthene
- 8 benzo(ghi)perylene
- 9 benzo(k)fluoranthene
- 10 bis(2-chloroethoxy)methane
- 11 bis(2-chloroethyl)ether
- 12 bis(2-chloroisopropyl)ether
- 13 bis(2-ethylhexyl)phthalate
- 14 4-bromophenylphenyl ether
- 15 butylbenzyl phthalate
- 16 2-chloronaphthalene
- 17 4-chlorophenyl phenyl ether
- 18 chrysene
- 19 dibenzo(a,H)anthracene
- 20 1, 2-dichlorobenzene
- 21 1, 3-dichlorobenzene
- 22 1, 4-dichlorobenzene
- 23 3, 3-dichlorobenzidine
- 24 diethyl phthalate
- 25 dimethyl phthalate
- 26 di-n-butyl phthalate
- 27 2, 4-dinitrotoluene
- 28 2, 6-dinitrotoluene
- 29 di-n-octyl phthalate
- 30 1, 2-diphenylhydrazine (as azobenzene)
- 31 fluroanthene
- 32 fluorene
- 33 hexachlorobenzene
- 34 hexachlorobutadiene
- 35 hexachlorocyclopentadiene
- 36 hexachloroethane
- 37 indeno(1, 2, 3-cd)pyrene
- 38 isophorone
- 39 naphthalene
- 40 nitrobenzene
- 41 N-nitrosodimethylamine
- 42 N-nitrosodi-n-propylamine
- 43 N-nitrosodiphenylamine
- 44 phenanthrene
- 45 pyrene
- 46 1, 2,4-trichlorobenzene

Pesticides

- 1 aldrin
- 2 alpha-BHC
- 3 beta-BHC
- 4 gamma-BHC
- 5 delta-BHC

- 6 chlordane
- 7 4, 4-DDT
- 8 4, 4-DDE
- 9 4, 4-DDD
- 10 dieldrin
- 11 alpha-endosulfan
- 12 beta-endosulfan
- 13 endosulfan sulfate
- 14 endrin
- 15 endrin aldehyde
- 16 heptachlor
- 17 heptachlor epoxide
- 18 PCB-1242
- 19 PCB-1254
- 20 PCB-1221
- 21 PCB-1232
- 22 PCB-1248
- 23 1260
- 24 PCB-1016
- 25 toxaphene

Appendix B

Table III—Other Toxic Substances: Metals, Cyanide, and Total Phenols

- 1 Antimony, Total
- 2 Arsenic, Total
- 3 Beryllium, Total
- 4 Cadmium, Total
- 5 Chromium, Total
- 6 Chromium, Hexavalent
- 7 Copper, Total
- 8 Lead, Total
- 9 Mercury, Total
- 10 Nickel, Total
- 11 Selenium, Total
- 12 Silver, Total
- 13 Thallium, Total
- 14 Zinc, Total
- 15 Cyanide, Total
- 16 Cyanide, Amenable
- 17 Phenols, Total

Table IV—Other Substances

- 1 Bromide
- 2 Chlorine, Total Residual
- 3 Color
- 4 Fecal Coliform
- 5 Fluoride
- 6 Nitrate-Nitrite
- 7 Nitrogen, Total Organic

- 8 Radioactivity
- 9 Sulfate
- 10 Sulfide
- 11 Sulfite
- 12 Surfactants
- 13 Aluminum, Total
- 14 Barium, Total
- 15 Boron, Total
- 16 Cobalt, Total
- 17 Iron, Total
- 18 Magnesium, Total
- 19 Molybdenum, Total
- 20 Manganese, Total
- 21 Tin, Total
- 22 Titanium, Total

Table V—Other Toxic Substances and Hazardous Substances

Toxic Substances

- 1 Asbestos

Hazardous Substances

- 1 Acetaldehyde
- 2 Allyl alcohol
- 3 Allyl chloride
- 4 Amyl acetate
- 5 Aniline
- 6 Benzonitrile
- 7 Benzyl chloride
- 8 Benzyl chloride
- 9 Butyl acetate
- 10 Butylamine
- 11 Captan
- 12 Carbaryl
- 13 Carbofuran
- 14 Carbon disulfide
- 15 Chlorpyrifos
- 16 Coumaphos
- 17 Cresol
- 18 Crotonaldehyde
- 19 Cyclohexane
- 20 2, 4-Dichlorophenoxy (acetic acid)
- 21 Diazinon
- 22 Dicamba
- 23 Dichlobenil
- 24 Dichlone
- 25 2, 2-Dichloropropionic acid
- 26 Dichlorvos
- 27 Diethyl amine
- 28 Dimethyl amine

- 29 Dinitrobenzene
- 30 Diquat
- 31 Disulfoton
- 32 Diuron
- 33 Epichlorohydrin
- 34 Ethanolamine
- 35 Ethion
- 36 Ethylene diamine
- 37 Ethylene dibromide
- 38 Formaldehyde
- 39 Furfural
- 40 Guthion
- 41 Isoprene
- 42 Isopropanolamine
- 43 Kelthane
- 44 Kepone
- 45 Malathion
- 46 Mercaptodimethur
- 47 Methoxychlor
- 48 Methyl mercaptan
- 49 Methyl methacrylate
- 50 Methyl parathion
- 51 Mevinphos
- 52 Mexacarbate
- 53 Monoethyl amine
- 54 Monomethyl amine
- 55 Naled
- 56 Napthenic acid
- 57 Nitrotoluene
- 58 Parathion
- 59 Phenolsulfanate
- 60 Phosgene
- 61 Propargite
- 62 Propylene oxide
- 63 Pyrethrins
- 64 Quinoline
- 65 Resorcinol
- 66 Strontium
- 67 Strychnine
- 68 Styrene
- 69 2, 4, 5-T(2, 4, 5-Trichlorophenoxy acetic acid)
- 70 TDE(Tetrachlorodiphenylethane)
- 71 2, 4, 5-TP
- 72 Trichlorofan
- 73 Triethylamine
- 74 Trimethylamine
- 75 Uranium
- 76 Vanadium
- 77 Vinyl acetate
- 78 Xylene

- 79 Xylenol
- 80 Zirconium

Appendix C

Conventional Pollutants

- 1. Biochemical Oxygen Demand (BOD) — Five Day
- 2. Total Suspended Solids (TSS) — Nonfilterable
- 3. pH
- 4. Oil and Grease
- 5. Fecal Coliform

Appendix D

Other Toxic Substances

- 1 Acenaphthene
- 2 Acrolein
- 3 Acrylonitrile
- 4 Aldrin/Dieldrin
- 5 Antimony and compounds*
- 6 Arsenic and compounds
- 7 Asbestos
- 8 Benzene
- 9 Benidine
- 10 Beryllium and compounds
- 11 Cadmium and compounds
- 12 Carbon tetrachloride
- 13 Chlordane (technical mixture and metabolites)
- 14 Chlorinated benzenes (other than dichlorobenzenes)
- 15 Chlorinated ethanes (including 1, 2-dichloroethane, 1, 1, 1-trichlorethane, and hexachloroethane)
- 16 Chloroalkyl ethers (chloromethyl, chloroethyl, and mixed ethers)
- 17 Chlorinated naphthalene
- 18 Chlorinated phenols (other than those listed elsewhere; includes trichlorophenols and chlorinated cresols)
- 19 Chloroform
- 20 2-chlorophenol
- 21 Chromium and compounds
- 22 Copper and compounds
- 23 Cyanides
- 24 DDT and metabolites
- 25 Dichlorobenzenes (1, 2-1, 3-, and 1, 4-dichlorobenzenes)
- 26 Dichlorobenzidine
- 27 Dichloroethylenes (1, 1-and 1, 2-dichloroethylene)
- 28 2, 4-dichlorophenol
- 29 Dichloropropane and dichloropropene
- 30 2, 4-dimethylphenol
- 31 Dinitrotoluene
- 32 Diphenylhydrazine
- 33 Endosulfan and metabolites
- 34 Endrin and metabolites

- 35 Ethylbenzene
- 36 Fluoranthene
- 37 Haloethers (other than those listed elsewhere; includes chlorophenylphenyl ethers, bromophenylphenyl ether, bis(dischloroisopropyl) ether, bis-(chloroethoxy) methane and polychlorinated diphenyl ethers)
- 38 Halomethanes (other than those listed elsewhere; includes methylene chloride, methylchloride, methylbromide, bromoform, dichlorobromomethane, trichlorofluoromethane, dichlorodifluoromethane)
- 39 Heptachlor and metabolites
- 40 Hexachlorobutadiene
- 41 Hexachlorocyclohexane (all isomers)
- 42 Hexachlorocyclopentadiene
- 43 Isophorone
- 44 Lead and compounds
- 45 Mercury and compounds
- 46 Naphthalene
- 47 Nickel and compounds
- 48 Nitrobenzene
- 49 Nitrophenols (Including 2, 4-dinitrophenol, dinitrocresol)
- 50 Nitrosamines
- 51 Pentachlorophenol
- 52 Phenol
- 53 Phthalate esters
- 54 Polychlorinated biphenyls (PCBs)
- 55 Polynuclear aromatic hydrocarbons (including benzanthracenes, benzopyrenes, benzofluoranthene, chrysenes, dibenzanthracenes, and indenopyrenes)
- 56 Selenium and compounds
- 57 Silver and compounds
- 58 2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin (TCDD)
- 59 Tetrachloroethylene
- 60 Thallium and compounds
- 61 Toluene
- 62 Toxaphene
- 63 Trichloroethylene
- 64 Vinyl chloride
- 65 Zinc and compounds

* The term "compounds" shall include organic and inorganic compounds.

(Effective July 13, 1993)

Sec. 22a-430-5. Reserved

Sec. 22a-430-6. Application fees for water pollution control permits

(a) **Authority.** This section is adopted under the authority of subdivision (a) (10) of Section 22a-6 of the Connecticut General Statutes and Section 22a-430 of the Connecticut General Statutes.

(b) **Definitions.**

(1) As used in this section:

“Agricultural Activities” — means:

(A) Agricultural operations generating more than 1,000 gallons per day of wastewater, or

(B) Animal feeding operations with more than the following number of animals on-site:

- 300 slaughter or feeder cattle;
- 200 mature dairy cattle;
- 750 swine;
- 150 horses;
- 3,000 sheep or lambs;
- 16,500 turkeys;
- 30,000 laying hens or broilers;
- 1,500 ducks; or
- 250 veal calves.

“Applicant” — means the person or municipality applying for the issuance, reissuance, modification or transfer of an individual permit under Section 22a-430 of the Connecticut General Statutes or registering for a general permit under Section 22a-430b of the Connecticut General Statutes.

“Application” — means completed forms prescribed by the Commissioner for applying for issuance, reissuance, modification or transfer of an individual permit under Section 22a-430 of the Connecticut General Statutes or registering for a general permit under Section 22a-430b of the Connecticut General Statutes, including any additions, revisions, or modifications thereto.

“Bakery and Confectionary Wastewaters” — means wastewaters generated by the manufacturing of candy or baked goods.

“Beverage Wastewaters” — means wastewaters generated by the manufacturing or processing of malt beverages, malt, wines, brandy, brandy spirits, distilled liquors, rectified liquors, blended liquors, soft drinks, carbonated waters, flavoring extracts, flavoring syrups, or juices.

“Blowdown from Heating and Cooling Equipment” — means wastewaters generated by heating and cooling equipment that recycles water.

“Building Floor Drain Wastewaters” — means wastewaters generated from periodic washdown of floors.

“Car Wash Wastewaters” — means wastewaters generated by the washing of cars.

“Clay, Gypsum, Refractory, and Ceramic Product Wastewaters” — means wastewaters generated by the manufacturing of products composed wholly or chiefly of clay, gypsum, refractory or ceramic material.

“Coal Gasification Wastewaters” — means wastewaters generated by the gasification of coal.

“Coal Liquefaction Wastewaters” — means wastewaters generated by the liquefaction of coal.

“Concrete Product Wastewaters” — means wastewaters generated by the manufacturing of concrete products from a combination of cement and aggregate.

“Cooling Water (Non-Contact)” — means wastewater which has been used for cooling purposes which does not come into direct contact with a product or process.

“Department” — means the Department of Environmental Protection.

“Dredging” — means the removal of submerged materials by hydraulic or mechanical means from the waters of the state.

“Edible Oils Wastewaters” — means wastewaters generated by the manufacturing of edible oils.

“Explosives Manufacturing Wastewaters” — means wastewaters generated by the manufacturing of explosives, ammunition for arms, and fireworks.

“Fish Hatchery and Farm Wastewaters” — means wastewaters generated by the breeding and/or raising of fish or other aquatic organisms.

“Furniture Manufacturing Wastewaters” — means wastewaters generated by the manufacturing of furniture for industrial, commercial, or residential purposes.

“Groundwater Contamination Recovery System” — means a system generating a discharge from the clean-up or renovation of contaminated groundwater.

“Gum and Wood Chemical Wastewaters” — means wastewaters generated by the manufacturing of gum or wood chemical products.

“Hazardous Waste” — means any waste material which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed including hazardous waste identified in accordance with Section 3001 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.), as amended.

“Hazardous Waste Treatment Facility” — means any facility engaged primarily in the treatment, as defined in Section 22a-449(c)-100 of the Regulations of Connecticut State Agencies, of hazardous waste.

“Hydrostatic Pressure Testing Wastewater” — means waters used to test the structural integrity of new tanks or pipelines, and tanks and pipelines which have been used to hold or transfer drinking water, sewage, or natural gas.

“Incinerator” — means any facility engaged primarily in the incineration of solid waste which is not hazardous waste.

“Issuance” — means the date on which a notice or other document from the Commissioner is deposited in the mail or personally delivered, whichever is earlier.

“Minor Tumbling and Cleaning of Parts Wastewaters” — means wastewaters generated by processing of only aluminum, titanium, magnesium, uncoated or unplated steel or stainless steel, or non-metallic parts, or any combination thereof, for the removal of particulate metal, for surface texturing, or for cleaning, where no acids or cyanides are used or present in the processing.

“Miscellaneous Food Product Wastewaters” — means wastewaters generated by the production of food products which are not included in other categories of Schedule A of this section.

“Month” — means any consecutive thirty-day period.

“Non-Hazardous Waste Treatment Facility” — means any facility engaged primarily in the treatment, as defined in this section, of waste which is not hazardous waste.

“On-site” — means on the same or geographically contiguous property which may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person or municipality but connected by a right-of-way which the person or municipality controls and to which the public does not have access, is also considered on-site property.

“Paint and Ink Formulation Wastewaters” — means wastewaters generated by the manufacturing of paint or ink.

“Permit” — means any permit to discharge to the waters of the State of Connecticut issued by the Commissioner of Environmental Protection pursuant to Section 22a-430 or 22a-430b of the Connecticut General Statutes, as amended.

“Photographic Equipment, Supplies Wastewaters” — means wastewaters generated by the manufacturing of photographic equipment or supplies.

“Photographic Processing Wastewaters” — means wastewaters generated by the processing of photographic film.

“Printing and Publishing Wastewaters” — means wastewaters generated by the printing and publishing of paper-based materials.

“Rubber Processing Wastewaters” — means wastewaters generated by the manufacturing of intermediate or final products from natural or synthetic rubber.

“Sanitary Sewage” — means wastewaters discharged from a publicly owned treatment works (POTW) or any other domestic sewage treatment facility.

“Septage” — means any wastewater or material withdrawn from a septic tank which is used to treat sanitary sewage.

“Septage Disposal Area” — means a location utilized for ultimate land disposal of septage.

“Shale Oil Wastewaters” — means wastewaters generated by the recovery of oil from shale deposits.

“Shipbuilding Wastewaters” — means wastewaters generated by the building, preparing, conversion or alteration of all types of boats, ships, barges, and lighters.

“Shore Recepter and Bulk Terminal Wastewaters” — means wastewaters generated by the loading, unloading, or storage of oil or petroleum products from all types of boats, ships, barges and lighters.

“Soap, Detergent and Cosmetic Manufacturing Wastewaters” — means wastewaters generated by the manufacturing of either intermediate or final soap, detergent or cosmetic products.

“Stormwater” — means wastewater consisting of precipitation runoff.

“Swimming Pool Backwash” — means wastewaters generated from the backwashing of swimming pool filters.

“Transportation Wastewaters” — means wastewaters generated by the manufacturing of equipment for transportation of passengers or cargo by land, air, or water.

“Treatment” — means any method, technique, or process designed to change the physical, chemical, or biological character or composition of any waste or of a wastewater discharge.

“Tumbling and Cleaning of Parts Wastewaters” — means wastewaters generated by the processing of parts for the removal of particulate metal, for surface texturing or for cleaning.

“Water Production Wastewaters” — means wastewaters generated by the treatment of raw water for potable, industrial process, or commercial process use.

(2) The definitions of the following terms used in this section shall be the same as the definitions in Section 22a-430-3 of the Regulations of Connecticut State Agencies, as amended: Maximum Daily Flow; Connecticut Water Quality Standards; Domestic Sewage; Groundwaters; Publicly Owned Treatment Works (POTW); Surface Waters; Vehicle Service Floor Drain Wastewater; Minor Photographic Processing Wastewaters; Design Flow Rate.

(3) The definitions of the following terms used in this section shall be the same as the definitions in Section 22a-207 of the Connecticut General Statutes, as amended: Municipal Solid Waste; Solid Waste; Solid Waste Disposal Area; Transfer Station; Composting.

(4) The definition of the following term used in this section shall be the same as the definition in Section 22a-449-100 of the Regulations of Connecticut State Agencies, as amended: Disposal Facility.

(c) **Method of payment.** All fees required by this section, including, but not limited to, any annual fees required by Section 22a-430-7 of the Regulations of

Connecticut State Agencies, to be submitted simultaneously with a permit application, shall be paid by certified check or money order payable to the Department of Environmental Protection. The certified check or money order shall state on its face, "Water Management Permit Application Fee."

(d) **Application fees for new or reissued permits.**

(1) Each applicant for a new or reissued permit shall pay (A) an application fee equal to the sum of the application fees for each category of discharge proposed in the application, as determined in accordance with Schedule A of this section, and (B) an annual fee as required by Section 22a-430-7 of the Regulations of Connecticut State Agencies.

(2) The applicant shall pay \$700.00 simultaneously with submission of the permit application. The applicant shall pay the balance of all fees due, including, but not limited to, the application fee required by this section, the annual fee required by Section 22a-430-7 of the Regulations of Connecticut State Agencies, any fee increases pursuant to subsection (n) of this section and all applicable late fees, within the time specified in any notice from the Commissioner of the balance due. If no time is specified, the applicant shall pay the balance due within thirty days of the date such notice is issued.

(3) The Commissioner, upon consideration of all factors which he or she deems relevant to the amount of time needed to act on the particular application, may reduce the amount of the application fee for reissuance of a particular permit to no less than 75% of the fee established in schedule A of this section if both of the following conditions are met:

(A) The applicant, as part of the application for permit reissuance, demonstrates to the Commissioner's satisfaction that no significant changes have occurred or will occur between the date the prior permit was issued and the date of reissuance of the permit that would indicate that the permit fee should be lowered. Such changes may include but are not limited to changes to the facility or any discharge which are not required by statute or regulation, and changes to the facility, any discharge or the permit which are required by statute or regulation or which the Commissioner deems necessary in order to protect the waters of the state from pollution.

(B) The application includes the following certification signed by the applicant: "I hereby certify, as part of this application for reissuance of Permit No. ___, and based on my inquiry of the person or persons responsible for operating the facility described in this application, that (1) this application does not include any new or increased discharges other than those authorized by said permit or another valid permit issued by the Commissioner under Section 22a-430 of the General Statutes, (2) since the date of said permit, no unpermitted discharges have been initiated, created, originated or maintained at the facility and (3) since the date of said permit, no new substances have been added to any discharge at the facility, and no changes have been made to the facility, that would constitute a new source or require a new or modified permit under Section 22a-430 of the General Statutes, other than new discharges and changes which were authorized by a new or modified permit. I am aware that there are penalties for submitting false information, including the possibility of fine and imprisonment for knowingly making false statements, and that a permit may be revoked for reasons including, but not limited to, an applicant's failure to disclose all relevant facts, or misrepresentation of any relevant facts at any time."

(e) **Modification fees.**

(1) The fee for modification of a permit shall be as follows:

(A) for correction of typographical errors - no fee.

(B) for extension of interim or final compliance dates due to an error or unreasonable delay of the Commissioner - no fee.

(C) Except as allowed under subparagraph (1) (E) of this subsection, for a modification resulting from a change required by state or federal statute, regulation, permit, order or the Connecticut Water Quality Standards, the fee shall be one-half the permit application fee specified in subsection (d) of this section, or \$500.00, whichever is greater.

(D) Except as allowed under subparagraph (1) (E) of this subsection, for a modification to reflect the discharge of any new water, substance or material or any increase in any water, substance or material beyond existing permit conditions, the fee shall be the permit application fee and annual fee specified in subsection (d) of this section as if the new or increased discharge were the subject of an application for a new permit.

(E) If the Commissioner determines that a modification under subparagraphs (1) (C) or (1) (D) of this subsection requires no more staff resources in a particular case than the staff resources generally required for minor modifications under Section 22a-430-4 (p) (5) (B) of the Regulations of Connecticut State Agencies, the fee shall be \$500.00.

(F) For all other modifications to permits the fee shall be \$500.00.

(2) Any person or municipality applying for a permit modification shall pay the entire permit modification fee simultaneously with submission of the application. For a permit modification for which no application is submitted, the entire permit modification fee shall be paid on or before thirty (30) days after the issuance of notice from the Commissioner that it is due.

(f) **Discharge category.** If the Commissioner upon review determines that an applicant's categorization of a discharge for purposes of calculating a fee or the applicant's calculation of a fee is incorrect, the Commissioner shall notify the applicant of his or her determination. Such determination shall be final. Should additional payment be due, the Commissioner shall not continue with review of the application until full payment is made. The Commissioner shall determine the amount of the permit application fees for any discharge category which is not listed in Schedule A, based on the reasonable cost of reviewing and acting upon a permit application for such a discharge.

(g) **Waiver.** The Commissioner may waive, reduce, or allow delayed payment of all or part of a fee in cases in which he or she determines that the amount of the fee is clearly excessive in relation to the cost of the permitted activity.

(h) **Transfer fee.** The fee for transfer of a permit or application shall be \$500.00. A permit shall not be transferred prior to payment of all required fees and the approval of the transfer by the Commissioner, as required by Section 22a-430-4 of the Regulations of Connecticut State Agencies. No applicant shall be required to pay both a transfer fee and a permit modification fee for the sole purpose of obtaining a permit transfer.

(i) **Payment of new fee.** The Commissioner may at his or her discretion require submission of a new permit application and payment of a new application fee, regardless of any fees previously paid or required, whenever the Commissioner acts under Section 22a-430-4 (k) (5) of the Regulations of Connecticut State Agencies and under the following conditions:

(1) An application has been determined by the Commissioner to be complete and, at the applicant's request, no further action is taken by the Commissioner for

more than one hundred and eighty (180) days from the date the application is determined to be complete.

(2) An application is determined by the Commissioner to be incomplete and more than one hundred eighty (180) days have elapsed since the Commissioner's most recent request to the applicant or his or her agent for additional information and the applicant has not submitted such information.

(j) **Prohibition of review.** The Commissioner shall not review an application for an individual permit under Section 22a-430 of the Connecticut General Statutes, including, but not limited to, an application for a new, reissued, modified or transferred permit, and shall not issue any such permit, unless all fees required by this section and Section 22a-430-7 of the Regulations of Connecticut State Agencies have been paid in full. Unless the Commissioner specifies otherwise in writing, a registration for a general permit under Section 22a-430b of the Connecticut General Statutes shall not be deemed complete and coverage under the general permit shall not begin unless all fees required by this section have been paid in full.

(k) **Late fee.** (1) A late fee of twenty-five percent of the application fee and the annual fee required by this section shall be charged, in addition to any other fee required by this section, if (A) the applicant fails to submit a complete application for reissuance on or before the required due date, if any; or (B) the applicant begins the activity to be permitted prior to applying for the required permit. The applicant or permittee shall pay an additional five percent of the amount of the application fee and the annual fee required by this section for each month or part thereof beyond the date on which a new or reissued permit was required during which a complete application is not on file with the Commissioner.

(2) An applicant or permittee who fails to pay any required fee when due shall pay an additional five percent of the amount of such fee for each month or part thereof that such fee is overdue.

(3) This subsection shall not prevent the Commissioner from pursuing other remedies available by statute or regulation.

(l) **Exemption.** Discharges from a building used solely as a single-family residence or from a swimming pool at a single family residence shall be exempt from all fee requirements under this section.

(m) **Municipal fees.**

(1) As required by Section 22a-6 (b) of the Connecticut General Statutes, any fee charged to a municipality pursuant to this section shall be fifty percent of the fee that would be charged to other applicants or permittees.

(2) As required by Section 22a-6 (c) of the Connecticut General Statutes, for municipalities that own more than one POTW, the fee for a permit application for each such POTW is either (A) determined by dividing the fee in schedule A for the sum of the average daily flow proposed in the application plus the permitted average daily flows for all other municipally owned POTWs, by the total number of municipally owned POTWs, or (B) fifty percent of the fee that would be charged to other applicants or permittees for a discharge of sanitary sewage in the amount proposed in the application, whichever is less.

(n) **Fee increases.** If any change is made in an application which would result in an increase in the fee, or if the fee for permit issuance, reissuance, modification or transfer under this section or the annual fee under Section 22a-430-7 of the Regulations of Connecticut State Agencies increases before (1) a final determination of the Commissioner, or (2) approval of plans and specifications under Section 22a-430-4 (k) of the Regulations of Connecticut State Agencies, whichever is later, the

applicant shall pay the amount of such increase. Such payment shall be made (1) on or before thirty (30) days after issuance of notice from the Commissioner of the fee increase, or (2) before the permit is issued, whichever is earlier. The provisions of this subsection shall not apply to applications which were received by the Commissioner prior to July 1, 1993 and which, by that date, included all required fees and all information required by statute, regulation or prior request of the Commissioner.

(o) Credits and refunds.

(1) If the Commissioner determines that a permit under Section 22a-430 or Section 22a-430b of the Connecticut General Statutes is not required for the activity or a portion of the activity described in a permit application, or if any change is made to an application which would result in a decrease in the fee, and neither the public notice nor a final decision on the application has been issued, the Commissioner shall retain one half of all application fees due to date for the subject application, and shall credit to the applicant the balance of any application and annual fees paid, to be applied to future fees due to the Commissioner under a statute or regulation administered by him or her. If the Commissioner denies a permit, he or she shall credit to the applicant any annual fee paid, to be applied to future fees due to the Commissioner under a statute or regulation administered by him or her.

(2) If an application fee and an annual fee are submitted for an individual permit under Section 22a-430 of the Connecticut General Statutes, and the Commissioner determines (A) that the discharge is covered in accordance with the terms, including any registration requirements, of a general permit issued under Section 22a-430b of the Connecticut General Statutes, and (B) that the fee for such general permit is less than the fee paid, the Commissioner shall deduct the general permit fee from the fees paid and credit the remainder to the applicant to be applied to future fees due to the Commissioner under a statute or regulation administered by him or her.

(3) If, immediately prior to permit issuance, the total paid by the applicant is more than the sum of all required fees, including late fees, required under this section and Section 22a-430-7 of the Regulations of Connecticut State Agencies, the Commissioner shall credit the excess payment to the applicant to be applied to future fees due to the Commissioner under a statute or regulation administered by him or her.

(4) Modification and transfer fees shall be non-refundable, except that modification fees specified in subparagraphs (C) and (D) of subdivision (1) of subsection (e) of this section shall be subject to the credit and refund provisions of this subsection.

(5) If the Commissioner issues or intends to issue a credit to an applicant under this subsection and the applicant demonstrates to the Commissioner's satisfaction that no future fees can reasonably be expected to be required of the applicant, the Commissioner shall refund the excess payment to the applicant.

(6) There shall be no credits or refunds other than as specified in this subsection.

SCHEDULE A

I. Category I

<i>Subcategory</i>	<i>Application</i>			
X	700.00			
Y	4,900.00			
Z	9,800.00			

<i>Wastewater Category</i>	<i>X*</i>	<i>Subcategory</i>	
		<i>Y*</i>	<i>Z*</i>
Adhesives and Sealants ²	—	0–5,000	>5,000
Aluminum Forming ¹ (Except to POTWs)	—	0–5,000	75,000
Aluminum Forming ¹ (to POTWs)	—	0–10,000	>10,000
Asbestos Manufacturing ¹	—	0–5,000	>5,000
Bakery and Confectionary ³	—	0–50,000 ⁴	>50,000
Battery Manufacturing ¹	—	0–5,000	>5,000
Beverage ³	—	0–50,000 ⁴	>50,000
Builders Paper and Roofing Felt ¹	—	0–5,000	>5,000
Canned and Preserved Fruits Processing ¹	—	0–50,000 ⁴	>50,000
Canned and Preserved Seafood Processing ¹	—	0–50,000 ⁴	>50,000
Cement Manufacturing ¹	—	0–50,000	>50,000
Clay, Gypsum, Refractory, and Ceramic Products ³	—	0–50,000	>50,000
Coal Gasification ³	—	0–50,000	>50,000
Coal Liquefaction ³	—	0–50,000	>50,000
Coal Mining ¹	—	0–50,000	>50,000
Coil Coating ¹ (except to POTW)	—	0–5,000	>5,000
Coil Coating ¹ (to POTWs)	—	0–10,000	>10,000
Concrete Product ³	<10,000	10,000–50,000	>50,000
Copper Forming ¹ (except to POTWs)	—	0–5,000	>5,000
Copper Forming ¹ (to POTWs)	—	0–10,000	>10,000
Dairy Products Processing ¹	—	0–50,000 ⁴	>50,000
Dairy Products Processing ¹	—	0–50,000 ⁴	>50,000
Edible Oils ³	—	0–50,000 ⁴	>50,000
Electrical and Electronic Components ¹ (except to POTWs)	—	0–5,000	>5,000
Electrical and Electronic Components ¹ (to POTWs)	—	0–10,000	>10,000
Explosives Manufacturing ³	—	0–5,000	>5,000
Ferroalloys Manufacturing ¹ (except to POTWs)	—	0–5,000	>5,000
Ferroalloys Manufacturing ¹ (to POTWs)	—	0–10,000	>10,000
Fertilizer Manufacturing ¹	—	0–5,000	>5,000
Fish Hatchery & Farm ³	—	0–1,000,000	>1,000,000
Furniture Manufacturing ³	—	0–5,000	>5,000
Glass Manufacturing ¹	—	0–50,000	>50,000
Grain Mills ¹	—	0–50,000	>50,000
Gum and Wood Chemical ³	—	0–5,000	>5,000
Hospitals ¹	<5,000	5,000–100,000	>100,000
Inorganic Chemicals Manufacturing ¹	—	0–5,000	>5,000
Iron and Steel Manufacturing ¹	—	0–50,000	>50,000
Laboratory Wastewaters ¹	<5,000	5,000–100,000	>100,000
Leather Tanning and Finishing ¹	—	0–50,000	>50,000
Meat Products and Rendering ¹	—	0–50,000 ⁴	>50,000
Metal Finishing ¹ (except to POTWs)	—	0–5,000	>5,000
Metal Finishing ¹ (to POTWs)	—	0–10,000	>10,000
Metal Molding and Casting ¹	—	0–50,000	>50,000
Mineral Mining and Processing ¹	—	0–50,000	>50,000
Miscellaneous Food Product ³	—	0–50,000 ⁴	>50,000
Nonferrous Metals Manufacturing ¹ (except to POTWs)	—	0–5,000	>5,000

<i>Wastewater Category</i>	<i>Subcategory</i>		
	<i>X*</i>	<i>Y*</i>	<i>Z*</i>
Nonferrous Metals Manufacturing ¹ (to POTWs)	—	0–10,000	>10,000
Oil and Gas Extraction ¹	—	0–50,000	>50,000
Ore Mining ¹	<100,000	100,000–1,000,000	>1,000,000
Organic Chemicals Manufacturing ¹	—	0–50,000	>50,000
Paint and Ink Formulation ³	—	0–1,000	>1,000
Paving and Roofing Materials ¹	—	0–5,000	>5,000
Pesticides ¹	—	0–1,000	>1,000
Petroleum Refining ¹	—	0–5,000	>5,000
Pharmaceutical Preparations ¹	—	0–50,000	>50,000
Phosphate Manufacturing ¹	—	0–50,000	>50,000
Photographic Equipment, Supplies ³	<5,000	5,000–50,000	>50,000
Photographic Processing ³	<5,000	5,000–50,000	>50,000
Plastics Processing ¹	—	0–5,000	>5,000
Porcelain Enameling ¹	—	0–5,000	>5,000
Printing and Publishing ³	—	0–5,000	>5,000
Pulp and Paper Mills ¹	—	0–50,000	>50,000
Rubber Processing ³	—	0–50,000	>50,000
Shale Oil ³	—	0–50,000	>50,000
Shipbuilding ³	—	0–50,000	>50,000
Shore Receptor and Bulk Terminal ³	—	0–50,000	>50,000
Soap, Detergent, and Cosmetic Manufacturing ³	—	0–5,000	>5,000
Steam Electric Power Plants ¹ (per power generating unit)	—	0–50,000	>50,000
Sugar Processing ¹	—	0–50,000	>50,000
Textile Mills ¹	—	0–50,000	>50,000
Timber Products Processing ¹	—	0–5,000	>5,000
Transportation ³	—	0–50,000	>50,000

* These figures refer to the total maximum daily flow for each category of discharge, in gallons per day, as proposed in the permit application.

¹ Means wastewaters from this source, as defined pursuant to Section 301 of the 1972 Federal Water Pollution Control Act 33 U.S.C. 1251 et seq., as amended.

² Means wastewaters from this source, as defined pursuant to the 1972 Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget, as amended.

³ Defined in Section 22a-430-6 (b) of this section.

⁴ For these categories, if the discharge is to a POTW and the maximum daily flow as proposed in the permit application is less than 5,000 gallons per day, the fee shall be \$700.00.

> means more than

< means less than

II. Category II—Miscellaneous Discharges

<i>Category</i>	<i>Application</i>
1. Cooling Water (Non-Contact) ³	
a. <5,000*	700.00
b. 5,000–100,000*	2,450.00
c. 100,001–10,000,000*	9,800.00
d. >10,000,000*	24,500.00
2. Incinerator ³	4,200.00
3. Transfer Station ³	875.00
4. Hazardous Waste Disposal Facilities ³	70,000.00
5. Solid Waste Disposal Areas ³	40,000.00
6. Water Production Wastewaters ³	875.00
7. Agricultural Activities ³	
a. Slaughter or feeder cattle	
1. 300-899 cattle	700.00

<i>Category</i>	<i>Application</i>
2. 900-1800 cattle	1,750.00
3. > 1800 cattle	2,625.00
b. Mature Dairy Cattle	
1. 200-599 cattle	700.00
2. 600-1200 cattle	1,750.00
3. > 1200 cattle	2,625.00
c. Swine	
1. 750-2500 swine	700.00
2. > 2500 swine	2,625.00
d. Horses	
1. 150-499 horses	700.00
2. 500-900 horses	1,750.00
3. > 900 horses	2,625.00
e. Sheep or Lambs	
1. 300-3899 sheep/lambs	700.00
2. 3900-9000 sheep/lambs	1,750.00
3. > 9000 sheep/lambs	2,625.00
f. Turkeys	
1. 16,000-49,499 turkeys	700.00
2. 49,500-99,000 turkeys	1,750.00
3. > 99,000 turkeys	2,625.00
g. Laying Hens or Broilers	
1. 30,000-89,999 hens/broilers	700.00
2. 90,000-180,000 hens/broilers	1,750.00
3. > 180,000 hens/broilers	2,625.00
h. Ducks	
1. 1500-4499 ducks	700.00
2. 4500-9000 ducks	1,750.00
3. > 9000 ducks	2,625.00
i. Veal Calves	
1. 250-749 calves	700.00
2. 750-1500 calves	1,750.00
3. > 1500 calves	2,625.00
8. Stormwater ³	4,200.00
9. Groundwater Contamination Recovery Systems ³	4,200.00
10. Hazardous Waste Treatment Facility ³	42,000.00
11. Sanitary Sewage ³ to Surface Waters ³	
a. < 20,000*	1,312.50
b. 20,000-999,999*	4,200.00
c. 1,000,000-4,999,999*	6,125.00
d. 5,000,000-9,999,999*	7,000.00
e. 10,000,000-20,000,000*	7,875.00
f. > 20,000,000*	8,750.00
12. Sanitary Sewage ³ to Groundwaters ³ > 5,000 [‡]	3,150.00
13. Sanitary Sewage ³ to Sewer	1,312.50
14. Dredging ³	3,150.00
15. Auto and other Laundries Wastewaters	
a. Power Laundries, Family and Commercial ²	
1. 0-50,000*	700.00
2. >50,000*	1,312.50
b. Linen Supply ²	
1. 0-50,000*	700.00
2. >50,000*	1,312.00
c. Diaper Service ²	1,312.00
d. Coin-Operated Laundries and Dry Cleaners ²	1,312.00
e. Dry Cleaning Plants Except Rug Cleaning ²	1,312.50
f. Carpet and Upholstery Cleaners ²	1,312.50

<i>Category</i>	<i>Application</i>
g. Industrial Laundries ²	
1. 0–50,000*	4,900.00
2. >50,000*	9,800.00
h. Misc. Laundry and Garment Services ²	700.00
i. Car Washes ²	1,312.50
16. Septage Disposal Area ³	4,375.00
17. Blowdown from Heating and Cooling Equipment ³	2,000.00
18. Tumbling and Cleaning of Parts Wastewaters ³	
a. 0–1,000*	2,000.00
b. 1,001–10,000*	4,900.00
c. >10,000*	9,800.00
19. Minor Tumbling and Cleaning of Parts Wastewaters ³	
a. 0–1,000*	1,000.00
b. 1,001–10,000*	2,450.00
c. >10,000	4,900.00
20. Non-hazardous Waste Treatment Facility ³	9,800.00
21. Hydrostatic Pressure Testing Wastewater ³	
a. 0–50,000* (excluding natural gas pipelines)	700.00
b. >50,000* (excluding natural gas pipelines)	2,450.00
c. Natural Gas Pipelines	9,800.00
22. Composting ³	6,300.00
23. Building Floor Drain Wastewaters	700.00
24. Swimming Pool Wastewaters	700.00

* These figures refer to the total maximum daily flow for each category of discharge, in gallons per day, as proposed in the permit application, except for POTWs owned by municipalities, in which case the flow is as described in subdivision (n) (1) of this section.

‡ These figures refer to the design flow rate, in gallons per day, as proposed in the permit application.

² Means wastewaters from this source, as defined pursuant to the 1972 Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget, as amended.

³ Defined in Section 22a-430-6 (b) of this section.

>means more than

<means less than

III. Category III — No application fee

1. Sanitary sewage to the groundwaters <5,000 gallons per day design flow rate.

IV. Category IV — General permits

(1) for general permits issued under Section 22a-430b of the Connecticut General Statutes, the following fees shall apply:

(A) Where no registration is required, no fee.

(B) Where registration is by notice of coverage, or where registration is required as a condition of the permit, the fee shall be \$250.00 per registration.

(C) Where registration is by notice of intent to be covered, the fee shall be \$500.00 per registration.

(D) If the commissioner requires any person or municipality to submit a pollution prevention plan under a general permit issued under section 22a-430b of the General Statutes, a fee of \$250.00 shall be submitted simultaneously with said plan.

(Effective July 13, 1993)

Sec. 22a-430-7. Annual fees for water pollution control permits

(a) **Authority.** This section is adopted under the authority of subdivision (a) (10) of Section 22a-6 of the Connecticut General Statutes and Section 22a-430 of the Connecticut General Statutes.

(b) **Definitions:** The definitions in Section 22a-430-6 of the Regulations of Connecticut State Agencies, as amended, shall apply to this section.

(c) **Annual fee.**

(1) Each applicant or permittee shall pay an annual fee to cover the cost to the Department of monitoring compliance with permit terms and conditions and applicable state and federal statutes and regulations. Except as provided in subdivision (3) of this subsection, such fee shall be paid annually on or before each July 1. The commissioner shall not review any permit application unless all required fees have been paid in full, and a new or reissued permit shall not be issued prior to payment of all required fees.

(2) If the commissioner determines that an applicant for permit issuance or reissuance owes any past due fees or late fees, the applicant shall pay all such fees prior to issuance or reissuance of the permit.

(3) Notwithstanding any requirement in Section 22a-430-6 of the Regulations of Connecticut State Agencies to the contrary, the applicant for a new permit shall pay the first annual fee within thirty days of issuance of the permit, provided the amount of such fee shall be pro-rated based on the number of days between the date of permit issuance and the next July 1. Any permittee who was required, prior to the amendment of this section on July 13, 1993, to pay an annual fee under this section for calendar year 1993 and who has not paid such fee on or before the effective date of this amendment shall pay the fee provided by this section as amended on July 13, 1993, within thirty days of notification from the commissioner that such payment is due. All permittees shall pay the annual fee for calendar year 1994 within thirty days of notification from the commissioner that such payment is due.

(d) **Method of payment.** All fees required by this section shall be paid by certified check or money order payable to the Department of Environmental Protection and shall, except for an annual fee which is required by this section to be submitted simultaneously with a permit application, state on the face of the check or money order, "Water Management Annual Fee."

(e) **Calculation of fee.**

(1) The annual fee shall be the total of the annual fees specified in Schedule B of this section for each category of discharge proposed in a permit application or, if a permit has been issued, as authorized by the permit.

(2) If a modification to a permit, other than a modification under Section 22a-430-6 (e) (1) (C) or (D) of the Regulations of Connecticut State Agencies, results in an increase or decrease in the annual fee, such change in the annual fee shall be effective on the July 1 which immediately follows the issuance of the permit modification. For a modification under Section 22a-430-6 (e) (1) (C) or (D) of the Regulations of Connecticut State Agencies, any increase in the annual fee resulting from the proposed modification shall be paid on or before thirty (30) days after the issuance of notice from the Commissioner that it is due.

(f) **Discharge category.** If the Commissioner determines upon review that an applicant's or permittee's categorization of a discharge for purposes of calculating a fee or the applicant's or permittee's calculation of a fee is incorrect, the Commissioner shall notify the applicant or permittee of his determination. Such determination shall be final. Should additional payment be due it shall be submitted within thirty (30) days of the date the notice of the Commissioner's determination is issued. The Commissioner shall determine the amount of the annual fee for any discharge category which is not listed in Schedule B based on the reasonable cost to the

Department of monitoring whether the source in question is in compliance with applicable statutes, regulations and permit terms and conditions.

(g) **Waiver.** The Commissioner may waive, reduce, or allow delayed payment of all or part of a fee in cases in which he or she determines that the amount of the fee is clearly excessive in relation to the cost of the permitted activity.

(h) **Late fee.** A late fee of twenty-five percent of the annual fee shall be charged, in addition to any other fee required by this section, if an applicant or permittee fails to submit the required fee when due. The permittee shall pay an additional two percent of the amount of all fees required by this section which are overdue for each month or part thereof beyond the due date during which the fee is not paid in full. This subsection shall not prevent the Commissioner from pursuing other remedies available by statute or regulation.

(i) **Exemption.** Discharges from a building used solely as a single-family residence or from a swimming pool at a single family residence shall be exempt from all fee requirements under these regulations.

(j) **Municipal fees.**

(1) As required by Section 22a-6 (b) of the Connecticut General Statutes, any fee charged to a municipality pursuant to this section shall be fifty percent of the fee that would be charged to other applicants or permittees.

(2) As required by Section 22a-6 (c) of the Connecticut General Statutes, for municipalities that own more than one POTW, the annual fee for each such POTW is either (A) determined by dividing the fee in schedule A for the sum of the average daily flow proposed in the permit application, if any, plus the permitted average daily flows for all other municipally-owned POTWs, by the total number of municipally-owned POTWs, or (B) fifty percent of the fee that would be charged to other applicants or permittees, for the discharge of sanitary sewage at the average daily flow stated in the permit, whichever is less.

(k) **Credits and refunds.** If the total annual fee paid by an applicant or permittee is more than all required fees, including late fees, the Commissioner shall credit the excess payment to the applicant to be applied to future fees due to the Commissioner under a statute or regulation administered by him or her. If the applicant or permittee demonstrates to the Commissioner's satisfaction that no future fees can reasonably be expected to be required of the applicant or permittee, the Commissioner shall refund the excess payment to the applicant or permittee. There shall be no credits or refunds other than under this subsection.

SCHEDULE B

I. Category I

<i>Subcategory</i>	<i>Annual Fee</i>		
X	350.00		
Y	2,725.00		
Z	5,450.00		
	<i>Subcategory</i>		
<i>Wastewater Category</i>	<i>X*</i>	<i>Y*</i>	<i>Z*</i>
Adhesives and Sealants ²	—	0–5,000	>5,000
Aluminum Forming ¹ (except to POTW)	—	0–5,000	>5,000
Aluminum Forming ¹ (to POTW)	—	0–10,000	>10,000
Asbestos Manufacturing ¹	—	0–5,000	>5,000
Bakery and Confectionary ³	—	0–50,000 ⁴	>50,000
Battery Manufacturing ¹	—	0–5,000	>5,000
Beverage ³	—	0–50,000 ⁴	>50,000

<i>Wastewater Category</i>	<i>X*</i>	<i>Subcategory</i>	
		<i>Y*</i>	<i>Z*</i>
Builders Paper and Roofing Felt ¹	—	0–5,000	>5,000
Canned and Preserved Fruits Processing ¹	—	0–50,000 ⁴	>50,000
Canned and Preserved Seafood Processing ¹	—	0–50,000 ⁴	>50,000
Cement Manufacturing ¹	—	0–50,000	>50,000
Clay, Gypsum, Refractory, and Ceramic Products ³	—	0–50,000	>50,000
Coal Gasification ³	—	0–50,000	>50,000
Coal Liquefaction ³	—	0–50,000	>50,000
Coal Mining ¹	—	0–50,000	>50,000
Coil Coating ¹ (except to POTW)	—	0–5,000	>5,000
Coil Coating ¹ (to POTW)	—	0–10,000	>10,000
Concrete Product ³	<10,000	10,000–50,000	>50,000
Copper Forming ¹ (except to POTW)	—	0–5,000	>5,000
Copper forming ¹ (to POTW)	—	0–10,000	>10,000
Dairy Products Processing ¹	—	0–50,000 ⁴	>50,000
Edible Oils ³	—	0–50,000 ⁴	>50,000
Electrical and Electronic Components ¹ (except to POTW)	—	0–5,000	>5,000
Electrical and Electronic Components ¹ (to POTW)	—	0–10,000	>10,000
Explosives Manufacturing ³	—	0–5,000	>5,000
Ferroalloys Manufacturing ¹ (except to POTW)	—	0–5,000	>5,000
Ferroalloys Manufacturing ¹ (to POTW)	—	0–10,000	>10,000
Fertilizer Manufacturing ¹	—	0–5,000	>5,000
Fish Hatchery & Farm ³	—	0–1,000,000	>1,000,000
Furniture Manufacturing ³	—	0–5,000	>5,000
Glass Manufacturing ¹	—	0–50,000	>50,000
Grain Mills ¹	—	0–50,000	>50,000
Gum and Wood Chemical ³	—	0–5,000	>5,000
Hospitals ¹	<5,000	5,000–100,000	>100,000
Inorganic Chemicals Manufacturing ¹	—	0–5,000	>5,000
Iron and Steel Manufacturing ¹	—	0–50,000	>50,000
Laboratory Wastewaters ¹	<5,000	5,000–100,000	>100,000
Leather Tanning and Finishing ¹	—	0–50,000	>50,000
Meat Products and Rendering ¹	—	0–50,000 ⁴	>50,000
Metal Finishing ¹ (except to POTW)	—	0–5,000	>5,000
Metal Finishing ¹ (to POTW)	—	0–10,000	>10,000
Metal Molding and Casting ¹	—	0–50,000	>50,000
Mineral Mining and Processing ¹	—	0–50,000	>50,000
Miscellaneous Food Product ³	—	0–50,000 ⁴	>50,000
Nonferrous Metals Manufacturing ¹ (except to POTW)	—	0–5,000	>5,000
Nonferrous Metals Manufacturing ¹ (to POTW)	—	0–10,000	>10,000
Oil and Gas Extraction ¹	—	0–50,000	>50,000
Ore Mining ¹	<100,000	100,000–1,000,000	>1,000,000
Organic Chemicals Manufacturing ¹	—	0–50,000	>50,000
Paint and Ink Formulation ³	—	0–1,000	>1,000
Paving and Roofing Materials ¹	—	0–5,000	>5,000
Pesticides ¹	—	0–1,000	>1,000
Petroleum Refining ¹	—	0–5,000	>5,000
Pharmaceutical Preparations ¹	—	0–50,000	>50,000
Phosphate Manufacturing ¹	—	0–50,000	>50,000
Photographic Equipment, Supplies ³	<5,000	5,000–50,000	>50,000
Photographic Processing ³	<5,000	5,000–50,000	>50,000
Plastics Processing ¹	—	0–5,000	>5,000
Porcelain Enameling ¹	—	0–5,000	>5,000

<i>Wastewater Category</i>	<i>X*</i>	<i>Subcategory</i>	
		<i>Y*</i>	<i>Z*</i>
Printing and Publishing ³	—	0–5,000	>5,000
Pulp and Paper Mills ¹	—	0–50,000	>50,000
Rubber Processing ³	—	0–50,000	>50,000
Shale Oil ³	—	0–50,000	>50,000
Shipbuilding ³	—	0–50,000	>50,000
Shore Receptor and Bulk Terminal ³	—	0–50,000	>50,000
Soap, Detergent, and Cosmetic Manufacturing ³	—	0–5,000	>5,000
Steam Electric Power Plants ¹ (per power generating unit)	—	0–50,000	>50,000
Sugar Processing ¹	—	0–50,000	>50,000
Textile Mills ¹	—	0–50,000	>50,000
Timber Products Processing ¹	—	0–5,000	>5,000
Transportation ³	—	0–50,000	>50,000

* These figures refer to the total maximum daily flow for each category of discharge, in gallons per day, as authorized by the permit, or, if the annual fee being calculated is required to be paid simultaneously with a permit application, as proposed in the permit application.

¹ Means wastewaters from this source, as defined pursuant to Section 301 of the 1972 Federal Water Pollution Control Act 33 U.S.C. 1251 et seq., as amended.

² Means wastewaters from this source, as defined pursuant to the 1972 Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget, as amended.

³ Defined in Section 22a-430-6 (b) of the Regulations of Connecticut State Agencies, as amended.

⁴ For these categories, if the discharge is to a POTW and the maximum daily flow (as authorized by the permit, or, if the annual fee being calculated is required to be paid simultaneously with a permit application, as proposed in the permit application) is less than 5,000 gallons per day, the fee shall be \$350.00.

>means more than

<means less than

II. Category II—Miscellaneous Discharges

<i>Category</i>	<i>Annual Fee</i>
1. Cooling Water (Non-Contact) ³	
a. 0–100,000*	350.00
b. 100,001–10,000,000*	1,360.00
c. >10,000,000*	5,450.00
2. Incinerator ³	1,775.00
3. Transfer Station ³	350.00
4. Hazardous Waste Disposal Facilities ³	18,960.00
5. Solid Waste Disposal Areas ³	8,900.00
6. Water Production Wastewaters ³	350.00
7. Agricultural Activities ³	350.00
8. Stormwater ³	1,775.00
9. Groundwater Contamination Recovery Systems ³	2,725.00
10. Hazardous Waste Treatment Facility ³	16,350.00
11. Sanitary Sewage ³ to Surface Waters ³	
a. < 20,000*	1,060.00
b. 20,000–999,999*	2,130.00
c. 1,000,000–4,999,999*	2,990.00
d. 5,000,000–9,999,999*	3,410.00
e. 10,000,000–20,000,000*	3,840.00
f. >20,000,000*	4,260.00
12. Sanitary Sewage ³ to Groundwaters ³ >5,000 ³	590.00
13. Sanitary Sewage ³ to Sewer	350.00

<i>Category</i>	<i>Annual Fee</i>
14. Dredging ³	2,725.00
15. Auto and other Laundries Wastewaters	
a. Power Laundries, Family and Commercial ²	
1. 0–50,000*	350.00
2. >50,000*	1,060.00
b. Linen Supply ²	
1. 0–50,000*	350.00
2. >50,000*	1,060.00
c. Diaper Service ²	350.00
d. Coin-Operated Laundries and Dry Cleaners ²	350.00
e. Dry Cleaning Plants Except Rug Cleaning ²	1,060.00
f. Carpet and Upholstery Cleaners ²	475.00
g. Industrial Laundries ²	
1. 0–50,000*	2,725.00
2. >50,000*	5,450.00
h. Misc. Laundry & Garment Services ²	350.00
i. Car Washes ²	350.00
16. Septage Disposal Area ³	1,775.00
17. Blowdown from Heating and Cooling Equipment ³	2,725.00
18. Tumbling and Cleaning of Parts Wastewaters ³	
a. 0–1,000*	1,250.00
b. 1,001–10,000*	2,725.00
c. >10,000	5,450.00
19. Minor Tumbling and Cleaning of Parts Wastewaters ³	
a. 0–1,000*	750.00
b. 1,001–10,000*	1,360.00
c. >10,000*	2,720.00
20. Non-hazardous Waste Treatment Facility ³	5,450.00
21. Hydrostatic Pressure Testing Wastewater ³	
a. 0–50,000* (excluding natural gas pipelines)	350.00
b. >50,000* (excluding natural gas pipelines)	1,360.00
c. Natural Gas Pipelines	2,725.00

* These figures refer to the total maximum daily flow for each category of discharge, in gallons per day, as authorized by the permit or, if the annual fee being calculated is required to be paid prior to permit issuance or reissuance, as proposed in the permit application.

‡ These figures refer to the design flow rate, in gallons per day, as authorized by the permit or, if the annual fee being calculated is required to be paid simultaneously with a permit application, as proposed in the permit application.

² Means wastewaters from this source, as defined pursuant to the 1972 Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget, as amended.

³ Defined in Section 22a-430-6 (b) of the Regulations of Connecticut State Agencies, as amended.

>means more than

<means less than

III. Category III—No Annual Fee.

1. Design flow rate as authorized by the permit, or, if the annual fee being calculated is required to be paid simultaneously with a permit application, as proposed in the permit application.

2. General permits issued under Section 22a-430b of the Connecticut General Statutes.

3. Building floor drain wastewaters.

4. Swimming pool backwash.

5. Permits issued pursuant to Section 22a-430-3 (b) (6) of the Regulations of Connecticut State Agencies, as those Regulations existed prior to the effective date of this section.

(Effective June 23, 1994)

Sec. 22a-430-8. Underground injection control

(a) **Definitions.** “Aquifer” means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

“Average Daily Flow” means the average total daily flow during an operating day computed over a minimum of twenty (20) consecutive operating days.

“Commercial Subsurface Sewage Disposal System” means a subsurface sewage disposal system receiving domestic sewage from any non-residential building or buildings on the same lot or within the same project as the building or buildings served.

“Contaminant” means any physical, chemical, biological, or radiological substance or matter in water.

“Domestic Sewage” means sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or a non-residential building but not including manufacturing process water, cooling water, wastewater from water softening equipment, commercial laundry wastewater, blowdown from heating or cooling equipment, water from cellar or floor drains or surface water from roofs, paved surface or yard drains.

“Fluid” means any material or substance which is capable of movement, whether in a semisolid, liquid, sludge, gas, or any other physical state.

“Formation” means any body of rock characterized by a degree of lithologic homogeneity which is prevailing, but not necessarily, tabular and is mappable on the earth’s surface or traceable in the subsurface.

“Hazardous Waste” means any waste material which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed including hazardous waste identified in accordance with Section 3001 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, *et seq.*), as amended.

“Household Subsurface Sewage Disposal System” means a subsurface sewage disposal system receiving domestic sewage from a single residential building and/or associated outbuildings where such a system is located on the same lot as the building served or on an easement available for the installation, operation and maintenance of the system and which is recorded on the land records.

“Injection” means the subsurface emplacement of fluids by gravity or greater pressure through a well.

“Operator” means the person or municipality responsible for operating and maintaining a well.

“Subsurface Sewage Disposal System” means a system receiving domestic sewage consisting of a house sewer, a septic tank followed by a leaching system, any necessary pumps or siphons, and any groundwater control system on which the operation of the leaching system is dependent.

“Underground Source of Drinking Water (USDW)” means an aquifer or a portion of an aquifer which supplies any public water supply system; or which contains a sufficient quantity of groundwater to supply a public water supply system and either currently supplies drinking water for human consumption, or contains fewer than 10,000 milligrams/litre total dissolved solids; and which is not an exempt aquifer under 146 CFR 146.04.

“Well” means a bored, drilled, or driven shaft, or a dug hole, the depth of which is greater than its largest surface dimension or a commercial subsurface sewage

disposal system, household subsurface sewage disposal system, or other subsurface sewage disposal system.

(b) The injection of fluids through the following classes of wells is prohibited, and no person or municipality shall construct, install or maintain such wells:

(1) *Class I*

(A) Wells used by generators of hazardous wastes or owners or operators of hazardous waste management facilities or other industrial, commercial, institutional, or municipal facilities, to inject fluids beneath the lowermost formation containing an underground source of drinking water.

(2) *Class II*

Wells which inject fluids:

(A) Which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with wastewaters from gas plants which are an integral part of production operations, unless those wastewaters are classified as hazardous waste at the time of the injection.

(B) For enhanced recovery of oil or natural gas; and

(C) For storage of hydrocarbons which are liquid at standard temperature and pressure.

(3) *Class III*

Wells which inject fluids for extraction of minerals including:

(A) Mining of sulfur by the Frasch process;

(B) Solution mining of minerals;

(C) In-situ combustion of fossil fuel; and

(D) In-situ production of uranium or other metals, this category includes only in-situ production from ore bodies which have not been conventionally mined. Solution mining of conventional mines (such as stopes leaching) is included in Class V.

(4) *Class IV*

(A) Wells used by generators of hazardous wastes or of radioactive wastes, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous wastes or radioactive wastes into or above an aquifer.

(c) Wells other than those specified in subsection 22a-430-8 (c) shall be designated as Class V wells, and include but are not limited to: commercial subsurface sewage disposal systems, household subsurface sewage disposal systems, or other subsurface sewage disposal systems and wells associated with air conditioning and heat pumps. A person or municipality may inject fluids through Class V wells unless such injection may cause, allow or result in the movement of fluids which contain contaminants into underground sources of drinking water and the presence of the contaminants may adversely affect the public health or cause a violation of the Standards for Quality of Public Drinking Water, Section 19-13-B102 of the Regulations of Connecticut State Agencies, as amended.

(d) The owner or operator of any existing Class V well shall register the well with the Commissioner within one year of the effective date of these regulations. Such registration shall be on a form prescribed by the Commissioner and shall include information which he deems necessary.

The following shall be exempt from registration:

(1) Commercial subsurface sewage disposal systems, household subsurface sewage disposal systems, and other subsurface sewage disposal systems provided they have average daily flows of less than 5,000 gallons per day.

(2) Wells being operated pursuant to an unexpired discharge permit issued under Section 22a-430 of the Connecticut General Statutes, as amended.

(3) A well whose owner or operator has filed with the Commissioner OMB Form No. 158-R0170 published by the United States Environmental Protection Agency.

(e) If as a result of injection activity there is any movement of formation or injection fluids into underground sources of drinking water, the Commissioner may require the owner or operator to prevent such movement or to abandon or close the well by methods approved or prescribed by the commissioner.

(Effective February 23, 1984)