

**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. 300*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 varigatus* 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 (I) (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.

**(l) 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**

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*Regulations of Connecticut State Agencies*

I. Category I

<i>Subcategory</i>	<i>Minimum Frequency of Monitoring</i>		
<i>X</i>	<i>Monthly</i>		
<i>Y</i>	<i>Twice Per Month</i>		
<i>Z</i>	<i>Weekly</i>		
<i>Wastewater Category</i>	<i>Subcategory</i>		
<i>Wastewater Category</i>	<i>X*</i>	<i>Y*</i>	<i>Z*</i>
Adhesives and Sealants <sup>2</sup>	—	0–5,000	>5,000
Aluminum Forming <sup>1</sup>	—	0–5,000	>5,000
Asbestos Manufacturing <sup>1</sup>	—	0–5,000	>5,000
Bakery and Confectionary <sup>3</sup>	<5,000	5,000–50,000	>50,000
Battery Manufacturing <sup>1</sup>	—	0–5,000	>5,000
Beverage <sup>3</sup>	<5,000	5,000–50,000	>50,000
Builders Paper and Roofing Felt <sup>1</sup>		0–5,000	>5,000
Canned and Preserved Fruits Processing <sup>1</sup>	<5,000	5,000–50,000	>50,000
Canned and Preserved Seafood Processing <sup>1</sup>	<5,000	5,000–50,000	>50,000
Cement Manufacturing <sup>1</sup>	—	0–50,000	>50,000
Clay, Gypsum, Refractory, & Ceramic Products <sup>3</sup>	—	0–50,000	>50,000
Coal Gasification <sup>3</sup>	—	0–50,000	>50,000
Coal Liquefaction <sup>3</sup>	—	0–50,000	>50,000
Coal Mining <sup>1</sup>	—	0–50,000	>50,000
Coil Coating <sup>1</sup>	—	0–5,000	>5,000
Concrete Product <sup>3</sup>	<10,000	10,000–50,000	>50,000
Copper Forming <sup>1</sup>	—	0–5,000	>5,000
Dairy Products Processing <sup>1</sup>	<5,000	5,000–50,000	>50,000
Edible Oils <sup>3</sup>	<5,000	5,000–50,000	>50,000
Electrical and Electronic Components <sup>1</sup>	—	0–5,000	>5,000
Electroplating	<5,000	5,000–10,000	>10,000
Explosives Manufacturing <sup>3</sup>	—	0–5,000	>5,000
Ferrous Alloys Manufacturing <sup>1</sup>	—	0–5,000	>5,000
Fertilizer Manufacturing <sup>1</sup>	—	0–5,000	>5,000
Fish Hatchery & Farm <sup>3</sup>	—	0–1,000,000	>1,000,000
Foundries	—	0–5,000	>5,000



*Regulations of Connecticut State Agencies*

<i>Wastewater Category</i>	<i>Subcategory</i>		
<i>Wastewater Category</i>	<i>X*</i>	<i>Y*</i>	<i>Z*</i>
Furniture Manufacturing <sup>3</sup>	—	0–5,000	>5,000
Glass Manufacturing <sup>1</sup>	—	0–50,000	>50,000
Grain Mills <sup>1</sup>	—	0–50,000	>50,000
Gum and Wood Chemical <sup>3</sup>	—	0–5,000	>5,000
Hospitals <sup>1</sup>	<5,000	5,000–100,000	>100,000
Inorganic Chemicals Manufacturing <sup>1</sup>	—	0–5,000	>5,000
Iron and Steel Manufacturing <sup>1</sup>	—	0–50,000	>50,000
Laboratory Wastewaters <sup>1</sup>	<5,000	5,000–100,000	>100,000
Leather Tanning and Finishing <sup>1</sup>	—	0–50,000	>50,000
Meat Products and Rendering <sup>1</sup>	<5,000	5,000–50,000	>50,000
Mechanical Products	—	0–5,000	>5,000
Metal Finishing <sup>1</sup>	<5,000	5,000–10,000	>10,000
Metal Molding & Castings <sup>1</sup>	—	0–50,000	>50,000
Mineral Mining and Processing <sup>1</sup>	—	0–50,000	>50,000
Miscellaneous Food Product <sup>3</sup>	<5,000	5,000–50,000	>50,000
Nonferrous Metals Manufacturing <sup>1</sup>	—	0–5,000	>5,000
Oil and Gas Extraction <sup>1</sup>	—	0–50,000	>50,000
Ore Mining <sup>1</sup>	<100,000	100,000– 1,000,000	>1,000,000
Organic Chemicals Manufacturing <sup>1</sup>	<5,000	5,000–50,000	>50,000
Paint and Ink Formulation <sup>3</sup>	—	0–1,000	>1,000
Paving and Roofing Materials <sup>1</sup>	—	0–5,000	>5,000
Pesticides <sup>1</sup>	—	0–1,000	>1,000
Petroleum Refining <sup>1</sup>	—	0–5,000	>5,000
Pharmaceutical Preparations <sup>1</sup>	—	0–50,000	>50,000
Phosphate Manufacturing <sup>1</sup>	—	0–50,000	>50,000
Photographic Equipment, Supplies <sup>3</sup>	<5,000	5,000–50,000	>50,000
Photographic Processing <sup>3</sup>	<5,000	5,000–50,000	>50,000
Plastics and Synthetic Material Mfg.	<5,000	5,000–50,000	>50,000
Plastics Processing <sup>1</sup>	—	0–5,000	>5,000
Porcelain Enameling <sup>1</sup>	—	0–5,000	>5,000
Printing and Publishing <sup>3</sup>	—	0–5,000	>5,000
Pulp and Paper Mills <sup>1</sup>	—	0–50,000	>50,000
Rubber Processing <sup>3</sup>	<5,000	5,000–50,000	>50,000

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<i>Wastewater Category</i>	<i>Subcategory</i>		
<i>Wastewater Category</i>	<i>X*</i>	<i>Y*</i>	<i>Z*</i>
Shale Oil <sup>3</sup>	—	0–50,000	>50,000
Shipbuilding <sup>3</sup>	—	0–50,000	>50,000
Shore Receptor and Bulk Terminal <sup>3</sup>	—	0–50,000	>50,000
Soap, Detergent, and Cosmetic Manufacturing <sup>3</sup>	—	0–5,000	>5,000
Steam Electric Power Plants <sup>1</sup>	—	0–5,000	>5,000
Sugar Processing <sup>1</sup>	—	0–50,000	>50,000
Textile Mills <sup>1</sup>	—	0–50,000	>50,000
Timber Products Processing <sup>1</sup>	—	0–5,000	>5,000
Transportation <sup>3</sup>	—	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 <sup>3</sup>	Twice per Month
3. Transfer Station <sup>3</sup>	Monthly
4. Hazardous Waste Disposal Areas <sup>3</sup>	
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 <sup>3</sup>	
a. <10 acres (on-site)	Quarterly
b. 10 to 20 acres (on-site)	Quarterly
c. >20 acres (on-site)	Quarterly
6. Water Production Wastewaters <sup>3</sup>	Monthly
7. Agricultural Activities <sup>3</sup>	Monthly
8. Stormwater	None
9. Groundwater Contamination Recovery Systems <sup>3</sup>	Monthly
10. Hazardous Waste Facility <sup>3</sup>	Weekly
11. Sanitary Sewage <sup>3</sup> to Surface Water	
a. <100,000*	Monthly
b. 100,000–1,000,000*	Weekly

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<i>Wastewater Category</i>	<i>Minimum Frequency of Effluent Monitoring</i>
c. 1,000,000–2,000,000*	Twice per week
d. >2,000,000*	Three times per week
12. Sanitary Sewage <sup>3</sup> to ground waters	
a. 0–5,000*	Annually
b. >5,000*	Monthly
13. Sanitary Sewage <sup>3</sup> to Sewer requiring public notice under Section 22a-430-2 of the Regulations of Connecticut State Agencies, as amended.	None
14. Sanitary sewage <sup>3</sup> to sewer not requiring public notice under Section 22a-430-2 of the Regulations of Connecticut State Agencies, as amended.	None
15. Dredging <sup>3</sup>	Monthly
16. Auto and other Laundries Wastewaters	
a. Power Laundries, Family & Commercial <sup>2</sup>	
1. 0–<50,000*	Quarterly
2. >50,000*	Monthly
b. Linen Supply <sup>2</sup>	
1. 0–<50,000*	Quarterly
2. >50,000*	Monthly
c. Diaper Service <sup>2</sup>	Monthly
d. Coin-Operated Laundries & Dry Cleaners <sup>2</sup>	Quarterly
e. Dry Cleaning Plants Except Rug Cleaning <sup>2</sup>	Quarterly
f. Carpet and Upholstery Cleaners <sup>2</sup>	Monthly
g. Industrial Laundries <sup>2</sup>	
1. 0–<50,000*	Quarterly
2. >50,000*	Monthly
h. Misc. Laundry and Garment Services <sup>2</sup>	Quarterly
i. Car Washes <sup>2</sup>	Quarterly
17. Septage Disposal Area <sup>3</sup>	Quarterly
18. Blowdown from Heating and Cooling Equipment <sup>3</sup>	
a. 0–<5,000*	None
b. >5,000*	Quarterly
19. Tumbling and Cleaning of Parts Wastewaters <sup>3</sup>	
a. 0–<5,000*	Quarterly
b. >5,000*	Monthly

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<i>Wastewater Category</i>	<i>Minimum Frequency of Effluent Monitoring</i>
20. Building floor drain wastewaters <sup>3</sup>	None
21. Swimming pool backwash <sup>3</sup>	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.

<sup>1</sup> 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.

<sup>2</sup> 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.

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

> means more than

< means less than

(Effective May 31, 1988)