

Proposed General Permit for Nitrogen Discharges

Effective Date: January 1, 2019
Expiration Date: December 31, 2023

Bureau of Water Protection and Land Reuse
Water Planning and Management Division
860-424-3704

Proposed General Permit for Nitrogen Discharges

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Proposed General Permit for Nitrogen Discharges

Section 1. Authority

This general permit is issued under the authority of *Sections 22a-521 through 527 and Chapter 446k* of the Connecticut General Statutes (CGS).

Section 2. Definitions

As used in this general permit, and as defined or modified from *Section 22a-521 of the CGS*:

“Annual mass loading of total nitrogen” (expressed in pounds per day) means the sum of monthly mass loading of total nitrogen for each month from January through December divided by 12 and rounded to the nearest whole number.

“Authorized activity” means any activity authorized by this general permit.

“CFR” means Code of Federal Regulations.

“Commissioner” means Commissioner of the Department of Energy and Environmental Protection as defined by *Section 22a-2(b)* of the CGS.

“Daily composite” means 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, a composite sample continuously collected over a full operating day proportional to flow.

“Daily mass loading of total nitrogen” (expressed in pounds per day) means the total nitrogen concentration (expressed in mg/L to the nearest 0.1 mg/L) multiplied by the daily flow volume (expressed as MGD, to the nearest 0.1 MGD for facilities with a design capacity of 1.0 MGD or greater and to the nearest 0.01 MGD for facilities with a design capacity of less than 1.0 MGD) multiplied by 8.34 and rounded to the nearest whole number to convert to pounds per day units.

“Department” means the Department of Energy and Environmental Protection.

“Discharge Monitoring Report” or *“DMR”* means a report form provided or approved by the Commissioner for use by a permittee to submit discharge monitoring data to the Department relating to compliance with limits and conditions established in the individual permit for a facility.

“Equivalency factor” means a ratio of the unit response of dissolved oxygen to nitrogen in Long Island Sound for each POTW based on the geographic location of the specific POTW's discharge point divided by the unit response of the geographic area with the highest impact.

"Equivalent nitrogen credit" means a nitrogen credit multiplied by the equivalency factor.

"Individual permit" means a permit issued to a named permittee under Section 22a-430-4 of the Regulations of Connecticut State Agencies (RCSA).

"Monthly mass loading of total nitrogen" (expressed in pounds per day) means the sum of the daily mass loading of total nitrogen for each monitored day during the month divided by the number of monitoring days during the month and rounded to the nearest whole number.

"Monthly Operating Report" or *"MOR"* means a report form provided or approved by the Commissioner for use by a permittee in submitting data to the Department related to the operation of a facility.

"Municipality" means municipality as defined by Section 22a-423 of the CGS.

"Nitrogen Analysis Report" or *"NAR"* means a report form provided or approved by the Commissioner for use by a permittee in submitting monitoring data to the Department related to the discharge of nitrogen from a facility.

"Nitrogen credit" means the difference between the annual mass loading of total nitrogen specified for a POTW in the general permit for treated nitrogen discharges and the monitored annual mass loading of total nitrogen discharged by that POTW expressed as pounds of nitrogen per day.

"Nitrogen credit exchange program" means the program within the Department established pursuant to *Section 22a-524 of the CGS.*

"Nitrogen Wasteload Allocation" means a total load of nitrogen assigned to a discharger expressed in pounds per day of total nitrogen discharged.

"Permittee" means a municipality or person discharging nitrogen as authorized by the general permit.

"Person" means person as defined by Section 22a-423 of the CGS.

"Publicly Owned Treatment Works" or *"POTW"* means a system used for the collection, treatment or disposal of sewage from one or more parcels of land and that discharges to the waters of the state and is owned by a municipality of the state.

"TMDL" means the Total Maximum Daily Load analysis to achieve water quality standards for dissolved oxygen in Long Island Sound as established by the Department and as approved by the United States Environmental Protection Agency on April 3, 2001.

"Total nitrogen" means the total of the concentrations of ammonia nitrogen, organic nitrogen, nitrite nitrogen, and nitrate nitrogen expressed as milligrams of nitrogen per liter.

Section 3. Authorization Under This General Permit

(a) *Eligible Activities or Discharges*

This general permit authorizes the discharge of total nitrogen from the POTWs listed in Appendix 1, provided the activities are conducted in accordance with this general permit.

This general permit does not authorize any discharge of water, substance or material into the waters of the state other than the one specified in this section. Any person or municipality which initiates, creates, originates or maintains such a discharge must first apply for and obtain authorization under Section 22a-430 of the CGS.

(b) *Geographic Area*

This general permit applies throughout the State of Connecticut.

(c) *Effective Date and Expiration Date of this General Permit*

This general permit is effective on *January 1, 2019 and expires on December 31, 2023.*

(d) *Effective Date of Authorization*

An activity is authorized by this general permit on the date the general permit is issued.

Section 4. Conditions of this General Permit

A permittee shall conduct activities authorized by this general permit in accordance with the following conditions:

(a) *Discharge Limits*

- (1) Annual discharge limit applicable to each POTW are set forth in Appendix 1, which is incorporated herein in its entirety, as part of this general permit.
- (2) Each permittee shall limit the discharge of nitrogen to the annual discharge limits set forth in Appendix 1, except as set forth in paragraph (b)(1)(b) of this Section.

(b) *Compliance During Term of Permit*

- (1) A permittee shall be in compliance with this general permit if:

- (a) the POTW's annual mass loading of total nitrogen is less than or equal to the discharge limit set forth in Appendix 1; or,
 - (b) the permittee has secured state-owned equivalent nitrogen credits equal to the amount the POTW exceeded the annual discharge limit set forth in Appendix 1 in accordance with the Nitrogen Credit Exchange Program and Sections 22a-521 through 527 of the CGS.
- (2) A permittee shall be out of compliance with the general permit and subject to the enforcement provisions of Chapter 446k of the CGS if:
- (a) the POTW's annual mass loading of total nitrogen is greater than the discharge limit set forth in Appendix 1; and
 - (b) the permittee fails to secure sufficient state-owned equivalent nitrogen credits in a timely manner in accordance with the Nitrogen Credit Exchange Program and Sections 22a-521 through 527 of the CGS.
- (c) *Operation of Nitrogen Removal Process Equipment*

The permittee shall not bypass or fail to operate any of the approved nitrogen removal equipment or processes without the written approval of the Commissioner. The permittee shall operate all necessary equipment to optimize nitrogen removal so as to reduce nitrogen discharges to the maximum extent practicable. This includes but is not limited to all recycle pumping systems, aeration equipment, aeration tank cycling, mixing equipment, anoxic basins, chemical feed systems or any other process equipment necessary for the optimal removal of nitrogen.

(d) *Monitoring Requirements*

- (1) Effective upon issuance of this general permit, the permittee shall monitor total nitrogen in the final effluent in accordance with the following frequency:
 - (a) POTWs with a design flow rate specified in the individual permit for the facility of less than 10 MGD shall monitor the final effluent at a minimum frequency of weekly.
 - (b) POTWs with a design flow rate specified in the individual permit for the facility equal to or greater than 10 MGD shall monitor the final effluent at a minimum frequency of twice per week.
- (2) Monitoring requirements shall commence on *January 1st 2019*.

- (3) Final effluent and monitoring location shall be identical to that used to determine compliance with final effluent limitations and monitoring conditions established in the individual permit for the facility.
- (4) All samples analyzed to determine compliance with limits on total nitrogen shall be daily composite samples unless otherwise approved in writing by the Commissioner.
- (5) Chemical analyses to determine compliance with effluent limits and conditions established in this general permit shall be performed using the methods approved in or pursuant to 40 CFR 136 unless an alternative method has been approved in writing pursuant to 40 CFR 136.4.
- (6) The permittee shall measure average daily volume of flow of wastewater received by the facility at the main flow meter as set forth in the individual permit for the facility.
- (7) In the event of a flow meter malfunction on a day when a sample for total nitrogen analysis is collected, the permittee shall utilize the arithmetic average of the 7 highest daily flows measured during the previous 30-day period to calculate the total daily nitrogen loading unless an alternative procedure has been agreed to by the Commissioner.

(e) *Reporting Requirements*

The results of chemical analyses for the total nitrogen in all samples collected during the month and the average daily flow volume of effluent for each day during the month shall be entered on the MOR and NAR and reported to the Department. Results must also be entered in the DMR as a calculated monthly mass loading of total nitrogen. The MOR, NAR and DMR must be received at the following address by the 15th day of the month following the month samples are collected.

ATTN: Municipal Wastewater Unit
Connecticut Department of Energy and Environmental Protection
Bureau of Water Protection and Land Reuse
79 Elm Street
Hartford, CT 06106-5127

(f) *Record Keeping Requirements*

The permittee shall retain copies of all reports required by this general permit, and records of all data used to compile these reports for a period of at least five years from the date of the report submission to the Department.

(g) *Duty to Correct and Report Violations*

Upon learning of a violation of a condition of this general permit, including any failure of flow monitoring equipment, the permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further such violation, and report in writing such violation and such corrective action to the Commissioner within five (5) days of the permittee learning of such violation. Such report shall be certified in accordance with subsection 4(i) of this general permit.

(h) *Duty to Provide Information*

If the Commissioner requests any information pertinent to the authorized activity or to ensure compliance with this general permit, the permittee shall provide such information in writing within thirty (30) days of such request. Such information shall be certified in accordance with subsection 4(i) of this general permit.

(i) *Certification of Documents*

Any document, including but not limited to any notice, which is submitted to the Commissioner under this general permit shall be signed by, as applicable, the permittee in accordance with Section 22a-430-3(b)(2) of the RCSA, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with Section 22a-6 of the Connecticut General Statutes, pursuant to Section 53a-157b of the Connecticut General Statutes, and in accordance with any other applicable statute.”

(j) *Date of Filing*

For purposes of this general permit, the date of filing with the Commissioner of any document is the date such document is received by the Commissioner. The word “day” as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

(k) *False Statements*

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with Section 22a-6 and under Section 53a-157b of the CGS.

(l) *Correction of Inaccuracies*

Within fifteen days after the date a permittee becomes aware of a change in any information in any material submitted pursuant to this general permit, or becomes aware that any such information is inaccurate or misleading or that any relevant information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the Commissioner. Such information shall be certified in accordance with subsection 4(i) of this general permit.

(m) *Other Applicable Law*

Nothing in this general permit shall relieve the permittee of the obligation to comply with any applicable federal, state and local law, including but not limited to the obligation to obtain and comply with any authorizations required by such law. In the event a POTW is subject to a more stringent nitrogen limitation than set forth in this general permit, the Permittee shall comply with that more stringent limitation and may not purchase or transfer nitrogen credits to comply with that additional limitation.

(n) *Other Rights*

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any discharge authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of the state.

Section 5. Commissioner's Powers

(a) *Abatement of Violations*

The Commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The Commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with Sections 22a-3a-2 through 22a-3a-6, inclusive, of the RCSA. Nothing herein shall be construed to affect any remedy available to the Commissioner by law.

(b) *General Permit Revocation, Suspension, or Modification*

The Commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment or to implement the TMDL.

Issued:

Bob Kaliszewski
Deputy Commissioner

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APPENDIX 1

ANNUAL DISCHARGE LIMITS FOR TOTAL NITROGEN

| Zone | Publicly Owned Treatment Works | Equivalency Factor | Total Nitrogen (Pounds/Day) 2019-2023 |
|------|--------------------------------|--------------------|---------------------------------------|
| 1 | JEWETT CITY WPCF | 0.17 | 15 |
| 1 | GROTON CITY WPCF | 0.18 | 99 |
| 1 | GROTON TOWN WPCF | 0.18 | 153 |
| 1 | KILLINGLY WPCF | 0.14 | 131 |
| 1 | LEDYARD WPC | 0.18 | 7 |
| 1 | MONTVILLE WPCF | 0.18 | 118 |
| 1 | NEW LONDON WPCF | 0.18 | 386 |
| 1 | NORWICH WPCF | 0.18 | 201 |
| 1 | STONINGTON PAWCATUCK WPCF | 0.17 | 24 |
| 1 | PLAINFIELD NORTH WPCF | 0.14 | 34 |
| 1 | PLAINFIELD VILLAGE WPCF | 0.14 | 24 |
| 1 | PUTNAM WPCF | 0.14 | 53 |
| 1 | SPRAGUE WPCF | 0.16 | 7 |
| 1 | STAFFORD SPRINGS WPCF | 0.15 | 60 |
| 1 | STONINGTON BOROUGH WPCF | 0.18 | 14 |
| 1 | STONINGTON MYSTIC WPCF | 0.18 | 27 |
| 1 | THOMPSON WPCF | 0.14 | 10 |
| 1 | UCONN WPCF | 0.15 | 44 |
| 1 | WINDHAM WPCF | 0.15 | 125 |
| 2 | BRISTOL WPCF | 0.18 | 398 |
| 2 | CANTON WPCF | 0.18 | 24 |
| 2 | EAST HAMPTON WPCF | 0.20 | 54 |
| 2 | EAST HARTFORD WPCF | 0.19 | 292 |
| 2 | EAST WINDSOR WPCF | 0.19 | 59 |
| 2 | ENFIELD WPCF | 0.19 | 278 |
| 2 | FARMINGTON WPCF | 0.18 | 178 |
| 2 | GLASTONBURY WPCF | 0.20 | 98 |
| 2 | HARTFORD WPCF | 0.20 | 2377 |
| 2 | MANCHESTER WPCF | 0.19 | 312 |
| 2 | MATTABASSET WPCF | 0.20 | 834 |
| 2 | MIDDLETOWN WPCF | 0.20 | 222 |
| 2 | NEW HARTFORD | 0.18 | 3 |
| 2 | PLAINVILLE WPCF | 0.18 | 101 |
| 2 | PLYMOUTH WPCF | 0.18 | 42 |
| 2 | WINDSOR POQUONOCK WPCF | 0.19 | 98 |
| 2 | PORTLAND WPCF | 0.20 | 31 |

| Zone | Publicly Owned Treatment Works | Equivalency Factor | Total Nitrogen (Pounds/Day) 2019-2023 |
|-------------|---------------------------------------|---------------------------|--|
| 2 | ROCKY HILL WPCF | 0.20 | 288 |
| 2 | SIMSBURY WPCF | 0.18 | 107 |
| 2 | SOUTH WINDSOR WPCF | 0.19 | 106 |
| 2 | SUFFIELD WPCF | 0.19 | 45 |
| 2 | VERNON WPCF | 0.19 | 184 |
| 2 | WINDSOR LOCKS WPCF | 0.19 | 66 |
| 2 | WINSTED WPCF | 0.18 | 64 |
| 3 | BRANFORD WPCF | 0.60 | 192 |
| 3 | CHESHIRE WPCF | 0.49 | 103 |
| 3 | MERIDEN WPCF | 0.49 | 449 |
| 3 | NEW HAVEN EAST WPCF | 0.60 | 1568 |
| 3 | NORTH HAVEN WPCF | 0.60 | 158 |
| 3 | SOUTHINGTON WPCF | 0.49 | 204 |
| 3 | WALLINGFORD WPCF | 0.60 | 269 |
| 3 | WEST HAVEN WPCF | 0.60 | 353 |
| 4 | ANSONIA WPCF | 0.67 | 115 |
| 4 | BEACON FALLS WPCF | 0.67 | 12 |
| 4 | DANBURY WPCF | 0.46 | 442 |
| 4 | DERBY WPCF | 0.67 | 71 |
| 4 | LITCHFIELD WPCF | 0.35 | 24 |
| 4 | MILFORD BEAVER BROOK WPCF | 0.67 | 94 |
| 4 | MILFORD HOUSATONIC WPCF | 0.67 | 307 |
| 4 | NAUGATUCK TREATMENT Co. | 0.60 | 246 |
| 4 | NEW MILFORD WPCF | 0.46 | 28 |
| 4 | NEWTOWN WPCF | 0.46 | 42 |
| 4 | NORFOLK WPCF | 0.35 | 11 |
| 4 | NORTH CANAAN WPCF | 0.35 | 13 |
| 4 | SALISBURY WPCF | 0.35 | 21 |
| 4 | SEYMOUR WPCF | 0.67 | 61 |
| 4 | SHELTON WPCF | 0.67 | 106 |
| 4 | STRATFORD WPCF | 0.67 | 356 |
| 4 | THOMASTON WPCF | 0.60 | 42 |
| 4 | TORRINGTON WPCF | 0.60 | 248 |
| 4 | WATERBURY WPCF | 0.60 | 1049 |
| 5 | BRIDGEPORT EAST WPCF | 0.85 | 362 |
| 5 | BRIDGEPORT WEST WPCF | 0.85 | 1041 |
| 5 | FAIRFIELD WPCF | 0.85 | 406 |

| Zone | Publicly Owned Treatment Works | Equivalency Factor | Total Nitrogen (Pounds/Day) 2019-2023 |
|-------------|---------------------------------------|---------------------------|--|
| 5 | WESTPORT WPCF | 0.85 | 87 |
| 6 | GREENWICH WPCF | 1.00 | 479 |
| 6 | NEW CANAAN WPCF | 1.00 | 64 |
| 6 | NORWALK WPCF | 1.00 | 718 |
| 6 | RIDGEFIELD SOUTH ST. WPCF | 1.00 | 29 |
| 6 | STAMFORD WPCF | 1.00 | 926 |

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Notice of Intent to Reissue a General Permit

In accordance with applicable federal and state law, the Department gives notice that the Commissioner has made a tentative decision that reissuance of the General Permit for Nitrogen Discharges would protect the waters of the state from pollution.

The Commissioner is authorized to issue this general permit pursuant to sections 22a-430 and 22a-430b of the Connecticut General Statutes (CGS) and sections 22a-430-3 and 4 of the Regulations of Connecticut State Agencies. The Commissioner is authorized to approve or deny any registration under this general permit pursuant to CGS section 22a-430b.

A copy of this public notice, the draft general permit and further information may be found on the DEEP website at www.ct.gov/deep/publicnotices. The Commissioner will consider written comments that are received within 30 days from the publication date of this notice. Send written comments to Iliana Raffa, Bureau of Water Protection and Land Reuse, Water Planning and Management Division, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127 or via electronic mail to: Iliana.Raffa@ct.gov.

The Commissioner may conduct a public hearing if the Commissioner determines that the public interest will be best served thereby, or shall hold a hearing upon receipt of a petition signed by at least twenty-five persons. Petitions should include the name of the general permit noted above and also identify a contact person to receive notifications. Petitions may also identify a person who is authorized to engage in discussions regarding the proposed general permit and, if resolution is reached, withdraw the petition. Original signed petitions may be scanned and sent electronically to deep.adjudications@ct.gov or may be mailed or delivered to: DEEP Office of Adjudications, 79 Elm Street, 3rd floor, Hartford, CT 06106-5127. All petitions must be received within the comment period noted above. If submitted electronically, original signed petitions must also be mailed or delivered to the address above within ten days of electronic submittal. If a hearing is held, timely notice of such hearing will be published in a newspaper of general circulation.

By publishing this notice of tentative determination to renew the general permit not later than July 4, 2018, 180 days prior to the expiration date of the current general permit, Section 22a-6aa of the Connecticut General Statutes authorizes the current general permit to continue in effect until December 31, 2019 or until the Commissioner makes a final decision on the renewal of the general permit, whichever is earlier. If no final decision is made by December 31, 2019, the general permit shall expire.

Direct questions to Iliana Raffa at (860) 424-3758 or Iliana.Raffa@ct.gov

/s/Robert E. Kaliszewski
Deputy Commissioner

Date:6/8/2018

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action and Equal Opportunity Employer that is committed to complying with the Americans with Disabilities Act. To request an accommodation contact us at 860-418-5910 or deep.accommodations@ct.gov