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DEEP Response to Comments on the Reissuance of the General Permit for the Discharge of Stormwater Associated with Industrial Activity (*without modification*)

The Department is reissuing the General Permit for the Discharge of Stormwater Associated with Industrial Activity ("industrial general permit") *without modification*. This is a renewal of the industrial general permit that was last issued on August 23, 2010, effective October 1, 2011. The industrial general permit was first issued on October 1, 1992 and authorizes stormwater discharges from certain industrial activities based on their Standard Industrial Classification (SIC) Code. Authorized industrial activities must register for the general permit, prepare a Stormwater Pollution Prevention Plan and conduct stormwater discharge sampling from their site.

On April 4, 2016, DEEP published Notice of Tentative Decision to reissue the industrial general permit *without modification*. This notice included a thirty (30) day comment period for interested parties to submit comments on this reissuance *without modification*. The notice also included an explanation that DEEP intends to publish a Notice of Tentative Decision to reissue of this general permit *with modifications* by July, 2016.

This document is a compilation of the comments submitted in response to the Notice of Tentative Decision and the department's response to those comments.

Gregory Walwer – Archaeological Consulting Services, Director

April 4, 2016 (email)

1. Dr. Walwer requests that the industrial general permit implement a process requiring all permittees to evaluate their sites for possible impacts to state or federal historic, cultural or archaeological resources.

Response – The published Notice of Tentative Decision stated that the permit would be reissued *without modification*. In addition, this permit reissuance is essentially an extension or “as-is” renewal of the current industrial general permit and does not require reregistration for existing permittees. Since any new requirements would require a registration to identify elements such as possible impacts on historic resources, this renewal does not provide the means to allow us to identify these elements. When the *modified* general permit is public noticed, we will consider recommendations for permit modification.

Kristin Doundoulakis – Project Management Specialist, Town of Groton

April 4, 2016 (email)

2. Ms. Doundoulakis points out that the Fact Sheet published with the Notice of Tentative Decision states that permittees that have obtained a sampling waiver under the benchmark provisions of Section 5(e)(1)(B) of the permit will maintain that waiver under this reissuance and will not have to begin sampling again. It also states that permittees will not have to conduct aquatic toxicity monitoring initially required by Section 5(e)(1)(C) for the first two years of the reissuance. However, the published permit does not contain these assurances in those sections.

Response – DEEP has modified the language in the appropriate sections of the permit to make these distinctions clear.

Karl Wagener – Council on Environmental Quality, Executive Director

May 2, 2016 (email attachment)

3. The CEO is concerned that the proposed two year extension (through October 1, 2018) of the current permit is too long. They are concerned that mining and excavation operations, in particular, will continue to register under the current permit and recommend a shorter extension.

Response – DEEP staff have already begun work on a modified industrial general permit. The modifications will likely be significant and experience has shown that the permit notice, public participation and reissuance process can take a great deal of time. If this modified permit is completed before October 1, 2018, the department can issue it at that time and preempt the current two year extension.