



Connecticut
Department of Energy &
Environmental Protection

National Pollutant Discharge Elimination System & State General Permit for the Discharge of Swimming Pool Wastewater to Surface and Ground Waters of the State

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National Pollutant Discharge Elimination System & State General Permit for the Discharge of Swimming Pool Wastewater to Waters of the State

Section 1. Authority

This general permit is issued under the authority of section 22a-430b of the Connecticut General Statutes “CGS”.

Section 2. Authorization Under This General Permit

This general permit authorizes the discharge of swimming pool wastewater as defined in this permit, from public pools to surface waters and groundwaters of the state of Connecticut. Authorization is subject to the terms of this permit. This general permit is not intended for swimming pool discharges from private residential pools; however the Department encourages private residents to use the best management practices provided in the permit when initiating a discharge to waters of the State.

2.1 Eligible Activities

To be considered an eligible activity under this general permit the discharges shall be comprised solely of swimming pool wastewater as defined in this general permit. “Swimming pool wastewater” means wastewater comprised of “Swimming pool maintenance wastewater”, “Swimming pool draining wastewater” and “Swimming pool filtration backwash wastewater”.

2.2 Limitations of Coverage

2.2.1 Prohibited Discharges under this General Permit are as Follows:

2.2.1.1 Any discharge of water, substance or material into the waters of the State other than eligible discharges specified in this general permit are not authorized by this general permit, and any person, owner, operator, SP1 or SP2 licensed contractor, or municipality (“person” or “permittee”) which initiates, creates, originates or maintains such a discharge must apply for and obtain authorization to discharge under section 22a-430 of the Regulations of Connecticut State Agencies (“RCSA”) prior to the occurrence of such discharge.

2.2.1.2 Any swimming pool wastewater to publicly or privately owned storm sewers or conveyances without written consent from the owner.

2.2.1.3 The discharge of sanitary wastewater, including floor drains in bathrooms, showers, and equipment rooms, and discharges of swimming pool wastewater comingled with other sanitary or process wastewater.

2.2.1.4 Discharges of disinfectants which contain copper or silver are prohibited for splash pads or similar facilities which have routine and frequent overflows onto the ground and into groundwater.

2.2.2 Discharges to Sanitary Sewer

Discharges of swimming pool wastewater from a public pool to a Publicly Owned Treatment Works (“POTW”) through a sanitary sewer are not authorized under this general permit and are regulated by the General Permit for Discharges from Miscellaneous Industrial Users (“MIU GP”) or the General Permit for

the Discharge of Wastewaters from Significant Industrial Users (“SIU GP”).

2.2.3 Discharge(s) to Impaired Water

A discharge is not authorized to an impaired water listed in the most recent Connecticut Integrated Water Quality Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b) unless the permittee provides to the commissioner the following documentation to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard:

2.2.3.1 For discharges of pollutants which cause or contribute to the impairment of a water body segment without an established Total Maximum Daily Load (TMDL), the permittee must provide data and other technical information to the commissioner sufficient to demonstrate that the discharge of the pollutant identified as an indicator of the impairment will meet in-stream water quality criteria at the point of discharge to the waterbody. For discharges to waterbody segments impaired for Aquatic Life Uses, discharges shall not contain concentrations of any pollutants with a Water Quality Criteria (WQC) identified in Table 3 of section 22a-426-9 of the Regulations of Connecticut State Agencies in concentrations greater than the more restrictive of the chronic aquatic life criteria or applicable human health criteria.

2.2.3.2 For discharges to waters with an established Total Maximum Daily Load (TMDL), the commissioner must determine that there are sufficient remaining Waste Load Allocations in the TMDL to allow the discharge and that existing dischargers to the waterbody are subject to additional permit condition or compliance schedules designed to bring the waterbody into attainment with water quality standards.

2.3 Requirements for Authorization

This general permit authorizes activities listed in this general permit provided:

2.3.1 Wastewater Disposal Location

For any public swimming pool constructed after July 1, 1998, located at a site served by sanitary sewer, the plumbing shall be constructed such that all discharges of swimming pool wastewater are directed to sanitary sewer, unless sanitary sewer is not available in the area. If a sanitary sewer is not available at the site, a subsurface disposal system dedicated to swimming pool wastewater is required. Discharge of swimming pool wastewater to ground surface, or land application, shall only occur when sanitary sewer is not available and a subsurface disposal system is not technically feasible due to factors, such as site location. A discharge of swimming pool wastewater to a surface water shall only occur when sanitary sewer is not available in the area, a subsurface disposal system is not technically available, and a discharge to ground surface is not practicable due to, but not limited to factors such as the site location and proximity to surface water. The Department encourages persons and municipalities that own and operate a public pool to make best efforts to connect to the sanitary sewer and limit discharges to surface and ground waters where adverse environmental impacts may occur.

Persons are responsible for retaining appropriate documentation for the chosen disposal option utilized at the facility. Failure to connect to an available sanitary sewer or utilize a subsurface disposal system, if available, may result in the revocation of permit coverage under this general permit. Wastewater disposal options resulting in a discharge to ground water or surface water shall be the final resort as the other disposal options were evaluated and determined by a qualified professional to be technically infeasible. Should sanitary sewer become available, the disposal option must be updated, and the discharge of swimming pool wastewater must be connected to sanitary sewer within two (2) years of the sanitary sewer becoming available.

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An appropriate air gap shall be utilized for all wastewater disposal scenarios.

2.3.2 Coastal Area Management

Such activity is consistent with all applicable goals and policies in section 22a-92 of the CGS and will not cause adverse impacts to coastal resources as defined in section 22a-93 of the CGS.

2.3.3 Endangered and Threatened Species

Such activity does not threaten the continued existence of any species listed pursuant to section 26-306 of the CGS and will not result in the destruction or adverse modification of habitat designated as essential to such species.

2.3.4 Conservation and Preservation Restrictions

Such activity, if located on or may affect property subject to a conservation or preservation restriction, pursuant to section 47-42d of the CGS, proof of written notice to the holder of such restriction of the proposed activity pursuant to this general permit or a letter from the holder of such restriction verifying that the proposed activity is in compliance with the terms of the restriction shall be retained on site.

2.3.5 Aquifer Protection

Such activity, if located within an aquifer protection area as mapped under section 22a-354b of the CGS, complies with regulations adopted pursuant to section 22a-354i of the CGS.

2.3.6 Wild and Scenic Rivers Act

Such activity must be consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) for those river components and tributaries which have been designated as Wild and Scenic by the United States Congress. Further, such activity must not have a direct and adverse effect on the values for which such river designation was established.

2.3.7 Antidegradation Standards

Such activity is consistent with the Antidegradation Standards of section 22a-426 of the RCSA.

2.4 Geographic Area

This permit applies throughout the State of Connecticut.

2.5 Effective Date and Expiration Date of this General Permit

This general permit is effective on the date it is issued by the Commissioner and expires five (5) years after the issuance date. The general permit may be administratively continued in effect until the Department has reissued the permit.

2.6 Effective Date of Authorization

2.6.1 For an eligible activity to be covered under this general permit, such an activity is authorized by this general permit on the issuance date of this general permit or on the date the discharge is initiated, whichever is later. Such an activity must be in accordance with all applicable requirements of this general permit.

2.6.2 For any activity previously registered or authorized under the General Permit for the Discharge of

Swimming Pool Wastewater to conduct such activity continues in effect upon this reissuance of this general permit without a new registration.

2.7 Transition to and From an Individual Permit

No person shall operate or conduct an activity authorized by both an individual permit and this general permit. The requirements for transitioning authorization are as follows:

2.7.1 Transition from an Individual Permit to this General Permit

If an activity meets the eligibility requirements for authorization to discharge under this general permit and such operation or activity is presently authorized by an individual permit, the permittee may surrender the right to operate or conduct any activity under such individual permit. The permittee shall acknowledge its intention to surrender its permit in writing to the Commissioner with the submission of a Notice of Termination for the individual permit. However, any such surrender shall not take effect, and such permittee's individual permit shall continue to apply, until the effective date of authorization of this general permit.

2.7.2 Transition from this General Permit to an Individual Permit

If an activity is authorized under this general permit and the Commissioner subsequently issues an individual permit for the same activity, then on the date any such individual permit is issued by the Commissioner, the authorization issued under this general permit shall automatically expire.

Section 3. Registration Requirements

3.1 Registration for Permit Coverage

Any person, owner, operator, SP-1 or SP2 licensed contractor, or municipality which, in accordance with this general permit, wishes to initiate, create, originate or maintain a discharge of swimming pool wastewater generated by a public pool is automatically granted coverage under this general permit without submitting a registration to the Commissioner, provided the person, owner, operator, contractor, or municipality complies with all of the permit requirements and conditions, and utilizes best management practices mitigating adverse environmental impacts.

3.2 Additional Information

The Commissioner may require any person, operator, SP-1 or SP2 licensed contractor, or municipality to submit information deemed necessary to evaluate the eligibility or consistency of the discharge of swimming pool wastewater with the requirements for authorization under this general permit.

3.3 Action by the Commissioner

The Commissioner may deny or revoke permit coverage without prejudice if it is determined more than thirty days (30) have elapsed since the Commissioner requested the registrant (ie. person, operator, SP-1 or SP2 licensed contractor, or municipality) submit additional information to determine eligibility for permit coverage or authorization to discharge under this general permit.

3.3.1 The Commissioner may deny permit coverage if it is found that the subject activity is inconsistent with the requirements for authorization under Section 2 of this general permit, or for any other reason provided by law.

3.3.2 Denial of permit coverage under this subsection shall constitute notice to the registrant (ie. person, operator, SP-1 or SP2 licensed contractor, or municipality) that the subject activity may not lawfully be conducted or maintained without the issuance of an individual permit in accordance with section 22a-430 of RCSA.

3.3.3 Rejection or disapproval of an authorization of coverage shall be in writing from the Commissioner.

Section 4. Permit Conditions of this General Permit

4.1 Operating Conditions

All persons, owners, operators, SP-1 or SP2 licensed contractors, or municipalities shall implement the following swimming pool wastewater Best Management Practices:

4.1.1 Comprehensive Education and Training Program

Develop, implement, and keep current a comprehensive education and training program for all swimming pool personnel involved in pool maintenance and discharges. The program shall cover pool opening and closing procedures, maintenance procedures including but not limited to, filter backwashing, pool wall and bottom acid cleaning and/or pressure washing, periodic draining to maintain chemical balance or for sanitation purposes, chlorine or bromine testing, emergency procedures, and regulatory requirements of this general permit. The Job Trainee education program approved by the CT Department of Consumer Protection, Occupational Trades entitled "Practical Knowledge of Safety, Chemical Treatment and Cleaning Procedures for Pool/Spa Technician" may provide the necessary information to meet this requirement.

4.1.2 Availability of Procedures

Written procedures shall be available at each public or municipally owned swimming pool facility and in all operator or contractor vehicles if the pool is maintained by a licensed contractor.

4.1.3 Annual Training

Perform annual training for all personnel involved in pool maintenance using the Comprehensive Education and Training Program developed in Section 4.1.1 of this general permit. Seasonal employees must be trained prior to the seasonal opening of public or municipal pools. Records of training shall include the training syllabus, the date and time of training, instructor's name, title, and signature, and the trainees' name(s) and signature(s). Training records shall be maintained for a period of five (5) years and must be available upon request within 48 hours.

4.1.4 Erosion and Sediment Control

No discharge shall cause erosion during or as a result of the discharge or any wastewaters. Persons (ie. person, operator, SP-1 or SP2 licensed contractor, or municipality) covered under this general permit shall implement best practices and measures to prevent or minimize erosion and sedimentation during and after the discharge has ceased.

4.1.4.1 For land application of discharges onto dry land or into a dry drainage channel, mechanisms for erosion prevention may include, but are not limited to discharge via a diffuser, discharge into riprap, discharge into a splash barrier, and flow rate controls to minimize the impact.

4.1.4.2 For surface water discharges occurring directly into flowing or standing water, preventative measures may include, but are not limited to discharge via a diffuser, discharge into riprap, discharge into a splash barrier, flow rate control, and locating the point of discharge in the receiving water at sufficient depth to prevent bottom scour.

4.1.5 Disinfection or pH Adjustment

Persons (ie. person, operator, SP-1 or SP2 licensed contractor, or municipality) shall manage and apply disinfectants and pH adjustment chemicals in accordance with manufacturer's label and directions and such that swimming pool wastewater effluent does not exceed effluent imitations referenced in the applicable sections in the general permit.

Persons (ie. person, operator, SP-1 or SP2 licensed contractor, or municipality) are authorized to utilize disinfectants with an active ingredient of chlorine, bromine, and polyhexamethylene biguanide (PHMB) compounds. Persons are authorized to use the following chemicals, in accordance with the manufacturers label and directions for the purpose of pH adjustment, muriatic acid, cyanuric acid, soda ash, and sodium hydroxide. The use of any other disinfectant or additive is prohibited unless authorization from the Department is obtained. The use of disinfectants which contain copper or silver are prohibited for splash pads or similar facilities which have routine and frequent overflows onto the ground and into groundwater.

4.2 Release Prevention Plan for Public Pools with Drains Directed to Surface Water or the Ground Surface (Release Prevention Plan)

4.2.1 Release Prevention Plan

A Release Prevention Plan shall be developed and implemented for all public pools to prevent the unauthorized discharge of swimming pool wastewater. The Release Prevention Plan shall be in writing and in a legible format with a copy readily accessible and near the location of the drain valves with additional copies retained by the owner and operator of the pool and/or pool contractor responsible for maintaining the pool. At a minimum, the Release Prevention Plan shall include the following:

4.2.1.1 A clear description of the step-by-step procedures and any special precautions that shall be followed for opening or closing valves controlling the drain to prevent the unauthorized discharge of swimming pool wastewater;

4.2.1.2 A requirement that, prior to opening, filling or adding chemicals to a public pool with drains directed to surface water or the ground surface, land application, the person responsible for undertaking such activity shall ensure that all valves on drains directed to surface water or the ground surface are closed to prevent an unauthorized discharge of swimming pool wastewater;

4.2.1.3 A requirement that all valves and equipment associated with drains directed to surface water or to the ground surface, land application, shall be configured such that the main valve is locked when closed and tagged with the name of the last person who locked the valve. Such tag shall also indicate the location where the Release Prevention Plan is stored and available for review; and

4.2.1.4 Record keeping forms that contain the required information as detailed in this permit for each successive opening or closing of the valve controlling the drain. A sample form is provided as Appendix B of this general permit.

4.3 Discharges to Ground Water via a Dedicated Subsurface Disposal System

Swimming pool wastewater may be discharged from a public pool to a dedicated subsurface leaching system, dry wells, galleries, etc. (designed to receive pool water and not sewage) provided the following conditions are met:

4.3.1 Chemicals used for disinfection must be neutralized prior to discharge and will not result in adverse environmental impacts.

4.3.2 The location of the dedicated swimming pool wastewater leaching system shall meet required setback distances from drinking water wells and onsite sewage disposal systems per the Connecticut Public Health Code.

4.3.3 Persons shall ensure that the procedures described in the Release Prevention Plan prepared pursuant to section 4.2 of this general permit are implemented.

4.3.4 Swimming pool draining wastewater may be discharged from a public pool to dedicated subsurface disposal system water provided the following effluent limitations are met for each discharge:

Parameter	Limit Type	Discharge Limit	Sample Type	Sample Frequency
pH, standard units	Minimum – Maximum	6.5 – 8.0	Grab	Per Discharge
Cyanuric Acid, mg/L	Maximum	100	Grab	Per Discharge
poly(hexamethylenebiguanide hydrochloride), mg/L	Maximum	0.10	Grab	Per Discharge
Total Residual Chlorine, mg/L	Maximum	0.1	Grab	Per Discharge
Total Residual Bromine, mg/L	Maximum	0.1	Grab	Per Discharge

4.4 Discharges to Ground Water via a Land Treatment System

Swimming pool wastewater may be discharged from a public pool to a dedicated land treatment system provided the following conditions are met:

4.4.1 The land application of swimming pool filtration backwash wastewater from a public pool to the ground surface is prohibited, unless authorized in writing by the local Director of Health.

4.4.2 Land application of wastewater onto the ground surface shall not result in ponding or flooding conditions or identifiable conveyance of wastewater into surface waters. If discharging over land the permittee must monitor solids dispersal and remove accumulated solids, as needed, to maintain absorptive capacity of the soils and mitigate adverse conditions.

4.4.3 The discharge shall infiltrate the ground completely and not run off into a surface water, stormwater collection conveyance system to surface water, wetland, pond or onto adjacent property.

4.4.4 The entire discharge volume shall be land applied and absorbed into the soil matrix maintaining a minimum distance of at least 25 feet from any drinking water supply well, subsurface sewage disposal system or surface water body.

4.4.5 For discharges within a public water supply, the drainage of a public pool within a public water supply watershed may be allowed provided the discharge is performed in such a way as to minimize soil erosion and maximize absorption of the discharge by the soil. Such discharge shall terminate at least 100 feet from the edge of an established watercourse, unless such termination has been determined by a qualified professional to be impractical. In areas where the 100-foot separation is not possible, the discharge shall be controlled so that the flow energy is dissipated, thereby lessening the impact on nearby watercourses.

4.4.6 Persons shall ensure that the procedures described in the Release Prevention Plan prepared pursuant to section 4.2 of this general permit are implemented.

4.4.7 Swimming pool maintenance wastewater discharges resulting from the daily 0.5% chlorine solution (or an equivalent fungicide) deck washing as required by RCSA §19-13-B33b(b)(8) (CT DPH Public Health Code) are exempt from an effluent limitation for total residual chlorine. Such discharge shall infiltrate the ground completely and is prohibited from discharging into a storm drain or entering a surface water.

4.4.8 All other swimming pool wastewater may be land applied to the ground surface provided the following effluent limitations are met for each discharge:

Parameter	Limit Type	Discharge Limit	Sample Type	Sample Frequency
pH, standard units	Minimum – maximum	6.5 – 8.5	Grab	Per Discharge
Cyanuric Acid, mg/L	Maximum	100	Grab	Per Discharge
poly(hexamethylenebiguanide hydrochloride), mg/L	Maximum	0.10	Grab	Per Discharge
Total Residual Chlorine, mg/L	Maximum	3.0	Grab	Per Discharge
Total Residual Bromine, mg/L	Maximum	3.0	Grab	Per Discharge

4.5 Discharges to Surface Water

A discharge of swimming pool wastewater to a surface water shall only occur when sanitary sewer is not available in the area, a subsurface disposal system is not technically feasible, and a discharge to ground surface is not practicable due to, but not limited to factors such as the site location and proximity to surface water. Persons (ie. person, operator, SP-1 or SP2 licensed contractor, or municipality) must maintain sufficient documentation and records supporting this disposal option and make them available within 48 hours of request. Persons shall bear the burden to demonstrate the disposal options of wastewater to a POTW, dedicated subsurface disposal system, and land application are not available.

4.6.1 Prohibited Discharges to Surface Water

4.6.1.1 The discharge of swimming pool maintenance wastewater and swimming pool filtration backwash wastewater to any surface water, wetland, pond, stormwater conveyance system or drain that leads to any surface water, wetland, or pond is prohibited.

4.6.1.2 Discharges of swimming pool draining wastewater to a surface water from a pool that uses a chlorine generator to produce free chlorine, and thus has the potential for a higher sodium chloride content is prohibited. These discharges must be discharged to a POTW or applied to the ground surface and entirely infiltrate into the ground to mitigate adverse environmental impacts, such as aquatic toxicity.

4.6.1.3 The discharge of swimming pool wastewater that contains an algaecide that may cause adverse environmental degradation is prohibited.

4.6.2 Swimming pool draining wastewater may be discharged from a public pool to a surface water provided the following conditions are met for each discharge:

4.6.2.1 Surface water affected by the subject discharge shall conform to the Connecticut Water Quality Standards.

4.6.2.2 No discharge shall contain, or cause in the receiving stream, a visible oil sheen or floating solids, or cause visible discoloration or foaming in the receiving stream.

4.6.2.3 No discharge shall cause toxicity, acute or chronic, in the receiving water body.

4.6.2.4 The temperature of any discharge shall not increase the ambient temperature of the receiving stream above 85°F, or in any case, raise the temperature of the receiving stream by more than 4 °F.

4.6.2.5 The discharge flow shall be controlled and limited to prevent the scouring of the receiving surface water body, stream bed, brook, river, estuarine bottom, or wetland.

4.6.2.6 For discharges within a public water supply, the drainage of a public pool within a public water supply watershed may be allowed provided the discharge is performed in such a way as to minimize soil erosion and maximize absorption of the discharge by the soil. Such discharge shall terminate at least 100 feet from the edge of an established watercourse, unless such termination is impractical. In areas where the 100-foot separation is not possible, the discharge shall be controlled so that the flow energy is dissipated, thereby lessening the impact on nearby watercourses.

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4.6.2.7 Persons (ie. person, operator, SP-1 or SP2 licensed contractor, or municipality) shall ensure that the procedures described in the Release Prevention Plan prepared pursuant to section 4.2 of this general permit are implemented.

4.6.3 Swimming pool draining wastewater may be discharged from a public pool to a surface water provided the following effluent limitations are met for each discharge:

Parameter	Limit Type	Discharge Limit	Sample Type	Sample Frequency
pH, standard units	Minimum – Maximum	6.5 – 8.0	Grab	Per Discharge
Cyanuric Acid, mg/L	Maximum	100	Grab	Per Discharge
poly(hexamethylenebiguanide hydrochloride), mg/L	Maximum	0.10	Grab	Per Discharge
Total Residual Chlorine, mg/L	Maximum	0.1	Grab	Per Discharge
Total Residual Bromine, mg/L	Maximum	0.1	Grab	Per Discharge
Temperature, degrees Fahrenheit	Maximum	85	Grab	Per Discharge

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Section 5.0 Sample Collection, Storage, and Analytical Techniques

5.1 Sampling Requirements

All samples shall be collected, handled, and analyzed in accordance with the methods approved under 40 CFR 136, unless another method is required under 40 CFR subchapter N or O, or unless an alternative method has been approved in writing pursuant to 40 CFR 136.5. To determine compliance with limits and conditions established in this permit, monitoring must be performed using sufficiently sensitive methods approved pursuant to 40 CFR 136 for the analysis of pollutants having approved methods under that part, unless a method is required under 40 CFR subchapter N or O or unless an alternative method has been approved in writing pursuant to 40 CFR 136.5.

5.2 Sample Location

Samples of swimming pool wastewater shall be collected at the public pool discharge point, prior to comingling with any other wastestream and entering the applicable disposal system, ground or surface waters.

Section 6.0 Record Keeping and Retention Requirements

6.1 Record Keeping Requirements

Recordkeeping requirements apply to all discharges and to any persons who causes a discharge from a public pool. Records shall, at a minimum include the following information:

- 6.1.1 name and physical location of the pool;
 - 6.1.2 date and times of the start and cessation of the discharge;
 - 6.1.3 specific type and location of the discharge;
 - 6.1.4 estimated volume per discharge;
 - 6.1.5 pH standard units;
 - 6.1.6 temperature, degrees Fahrenheit;
 - 6.1.7 bromine residual concentration in mg/L;
 - 6.1.8 chlorine residual concentration in mg/L;
 - 6.1.9 cyanuric acid concentration in mg/L;
 - 6.1.10 poly(hexamethylenbiguanide hydrochloride) concentration in mg/L;
 - 6.1.11 narrative visual observation (for example: discharge appears clear, odorous, contains sediment, discolored, appeared oily, etc.); and
 - 6.1.12 printed name and signature of the person responsible for the discharge.
- See Appendix A of this general permit for a sample recordkeeping form.

6.2 Retention of Records

6.2.1 Records required by this general permit shall be retained on-site, or at the permittee's principal place of business in Connecticut. Records required by this general permit shall be retained in the Release Prevention Plan required by section 4.2 of this general permit.

6.2.2 Persons (ie. person, operator, SP-1 or SP2 licensed contractor, or municipality) shall retain records and all maintenance and analytical reports required by the permit for a period of at least five (5) years.

6.2.3 The Commissioner may extend this period as deemed necessary upon written notice to the permittee,

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.

6.2.4 All records shall be made available to the Commissioner immediately (within 24 hours) upon request.

Section 7.0 Reporting Violations

7.1 Noncompliance with Permit Terms or Conditions

The person (ie. person, operator, SP-1 or SP2 licensed contractor, or municipality) shall, within two hours of becoming aware of the circumstances, or at the start of the next business day; but no more than 24 hours from when he or she becomes aware of the circumstances outside normal business hours, notify the Commissioner of any actual or anticipated noncompliance with permit terms or conditions if the noncompliance is greater than two times the permitted level; except for violations of any maximum daily limitation in an permit, in which case all violations shall be reported. Consult <https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Industrial-Wastewater/Compliance-Assistance/Industrial-Wastewater-Discharge-Permit-Compliance-Information> for information regarding noncompliance notification timeframes and contacts.

7.2. Five (5) Day Follow Up Report

A five (5) day follow up noncompliance report shall be submitted and 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.

7.3. Additional Notification Requirements

The person (ie. person, operator, SP-1 or SP2 licensed contractor, or municipality) 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 has exceeded or will exceed the highest of the following levels:

7.2.1 One hundred micrograms per liter; or

7.2.2 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.

Section 8.0 Regulations of Connecticut State Agencies Incorporated into this General Permit

The permittee (ie. person, operator, SP-1 or SP2 licensed contractor, or municipality) shall comply with the following Regulations of Connecticut State Agencies which are hereby incorporated into this general permit, as if fully set forth herein:

8.1 Section 22A-430-3:

- Subsection (b) General
- Subsection (c) Inspection and Entry
- Subsection (d) Effect of a Permit
- Subsection (e) Duty to Comply
- Subsection (f) Proper Operation and Maintenance
- Subsection (g) Sludge Disposal
- Subsection (h) Duty to Mitigate
- Subsection (I) Facility Modifications, Notification-subdivisions
- Subsection (j) Monitoring, Records and Reporting Requirements
- Subsection (k) Bypass
- Subsection (m) Effluent Limitations Violations
- Subsection (n) Enforcement
- Subsection (o) Resource Conservation
- Subsection (p) Spill Prevention and Control
- Subsection (q) Instrumentation, Alarms, Flow Recorders
- Subsection (r) Equalization

8.2 Section 22a-430-4:

- Subsection (t) Prohibitions
- Subsection (p) Revocation, Denial, Modification Appendices

Section 9.0 Standard Conditions

The following standard conditions have been included in this general permit for the convenience of the permittee and are generally duplicative of the incorporated regulations in section 8 of this general permit. If there is conflicting requirements the regulations in section 22a-430

9.1 Inspection and Right of 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.

9.2 Submission of Documents

Any document required to be submitted to the Commissioner under this section of the permit will, unless otherwise specified in writing by the commissioner, be directed to:

DEEP.waterpermittingenforcement@ct.gov

With the subject line: "ATTN: Swimming Pool Discharge General Permit"

9.3 Violations

Violations of any of the terms, conditions, or limitations contained in this permit may subject the permittee to enforcement action including, but not limited to, seeking penalties, injunctions and/or forfeitures pursuant to applicable sections of the CGS and RCSA.

9.4 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.

9.5 Need to Halt or Reduce Activity Not a Defense

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.

9.6 No Assurance

No provision of this permit and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by the permittee pursuant to this permit will result in compliance or prevent or abate pollution.

9.7 Relief

Nothing in this permit shall relieve the permittee of other obligations under applicable federal, state and local law.

9.8 Duty to Provide Information

The Commissioner may require any permittee to provide within a reasonable time (30 days) 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.

9.9 Duty to Comply

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.

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.

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 section 22a-430-4 of the Regulations of Connecticut State Agencies.

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.

9.10 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.

9.11 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

9.12 Resource Conservation

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

9.13 Spill Prevention and Control

The permittee 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.

The requirements of this section 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.

9.14 Duty to Reapply

This general permit shall be effective for a fixed term not to exceed 5 (five) years and may be administratively extended. This general permit does not require the submittal of a registration or application and coverage under this permit is automatic.

9.15 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.

9.16 Effect of an Upset

An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

9.16.1 Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

9.16.2 An upset occurred and that the permittee can identify the cause(s) of the upset;

9.16.3 The permitted facility was at the time being properly operated;

9.16.4 The permittee submitted notice of the upset timely as required in this permit (24 hour notice); and

9.16.5 The permittee complied with any remedial measures

9.17 Bypass

The permittee shall not at any time bypass the collection system or treatment facilities or any part thereof unless such bypass is unanticipated, unavoidable, and necessary to prevent loss of life, personal injury or severe property damage, and 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 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.

9.17.1 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.

9.17.2 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 insure that the effluent limitations specified in the permit are achieved; be approved by the director in writing prior to its use, which approval shall include an alternative schedule for monitoring if appropriate; and be discontinued upon completion of the performance of the essential maintenance.

9.17.3 The permittee shall provide notice to the director not less than twenty-four 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.

9.17.4 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 (860-566-3245), and the department's Emergency Response Unit at all other times (860-566-3338) and submit within five (5) 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.

9.17.5 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.

9.18 Proper Operation and Maintenance

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.

In accordance with sections 22a-416 through 22a-471 of the Connecticut General Statutes as amended, the permittee is required to install and operate a back-up or auxiliary facilities or similar systems or the inventory of spare parts and appurtenances.

9.19 Instrumentation, Alarms, and Flow Records

9.19.1 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.

9.19.2 If continuous flow measurement equipment is not present at a given outfall or discharge location, you may estimate flows and retain records in accordance with Section 5 of this General Permit the following information

9.19.2.1 A description of the methodology used to estimate flow (for each applicable outfall);

9.19.2.2 Documentation appropriate to the methodology utilized which provides information necessary to support the validity of the reported flow estimate. If actual measurements or observations are made, a description of typical sampling times, locations, and persons performing the measurements/observations should be provided; and

9.19.2.3 A description of the factors (e.g. batch discharges, intermittent operation, etc.) which cause flow at the outfall to fluctuate significantly from the estimate provided.

9.20 Signatory Requirements

9.20.1 All permit applications and permit modification requests submitted to the Commissioner shall be signed as follows:

9.20.1.1 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;

9.20.1.2 For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

9.20.1.3 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

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the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

9.20.2 All reports required by permits, and other information submitted to the Commissioner shall be signed by a person described in 9.20 of this section or by a duly authorized representative of that person. A person is a duly authorized representative only if:

9.20.2.1 The authorization is made in writing by a person described in 9.20 of this section;

9.20.2.2 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

9.20.2.3 The written authorization is submitted to the Commissioner.

9.20.3 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.

9.20.4 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.”

Commissioner “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 General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.”

9.21 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.

9.22 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 of the Connecticut General Statutes, pursuant to section 53a-157b of the Connecticut General Statutes, and in accordance with any other applicable statute.

9.23 Correction of Inaccuracies

Within fifteen (15) days after the date a permittee becomes aware of a change in any of the information 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 Section 6(d) of this general permit.

9.24 Transfer of Authorization

Any authorization under this general permit shall be non-transferable.

9.25 Other Applicable Law

Nothing in this general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

9.26 Duty to Reapply

The permit will be effective for a fixed term not to exceed five (5) years, unless administratively extended. This general permit does not require submittal of a registration or application to obtain permit coverage.

9.27 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 activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

9.28 Effect of a Permit

The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege, authorize any injury to persons or property or invasion of other private rights, authorize any infringement of the Connecticut General Statutes, Regulations of Connecticut State Agencies or municipal ordinances, or 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.

Section 10. Commissioner's Powers

10.1 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 Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the Commissioner by law.

The Commissioner reserves the right to make appropriate revisions to the permit in order to establish any

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appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the Federal Clean Water Act or the CGS or regulations adopted thereunder, as amended. The permit as modified or renewed under this paragraph may also contain any other requirements of the Federal Clean Water Act or the CGS or regulations adopted thereunder which are then applicable.

10.2 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 to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

10.3 Permit Actions

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

10.4 Filing of an Individual Permit Application

If the Commissioner notifies a permittee in writing that such permittee or persons must obtain an individual permit to continue lawfully conducting the activity authorized by this general permit, the permittee may continue conducting such activity only if the permittee files an application for an individual permit within sixty (60) days of receiving the Commissioner's notice. While such application is pending before the Commissioner, the permittee shall comply with the terms and conditions of this general permit. Nothing herein shall affect the Commissioner's power to revoke a permittee's authorization under this general permit at any time.

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Section 11. Definitions

The definitions of terms used in this general permit shall be the same as the definitions contained in section 22a-423 of the General Statutes and section 22a-430-3(a) of the Regulations of Connecticut State Agencies. In addition, the following definitions shall apply:

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

“Best management practice” (BMP) means those practices which reduce pollution and which have been determined by the Commissioner to be acceptable based on, but not limited to, technical, economic and institutional feasibility. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Clean Water” means water which in the judgment of the Commissioner is of a quality substantially similar to that occurring naturally in the receiving stream under consideration. Clean water may include minor cooling waters, residential swimming pool water, and stormwater.

“Commissioner” means the Commissioner as defined by section 22a-2(b) of the Connecticut General Statutes.

“Day” 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.

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

“Discharge” means the emission of any water, substance or material into the waters of the state, whether or not such substance causes pollution as defined in section 22a-423 of the Connecticut General Statutes.

“Federal Water Pollution Control Act” means the federal Water Pollution Control Act, 33 USC Section 466 et seq.

“Land Application” means the discharge of partially treated wastewater directed to the surface of the ground that is wholly absorbed by the soil and infiltrates into ground water.

“Land Treatment & Disposal” means a system which utilizes soil materials for the treatment of wastewater and disposes of the effluent by percolation into the underlying soil and mixing with the ground water.

“Ground waters” means those waters of the state which naturally exist or flow below the surface of the ground and waters flowing through earth materials beneath the ground surface.

“Individual permit” means a permit issued to a named permittee under section 22a-430 of the General Statutes.

“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.

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“Non-point source” means any unconfined and diffuse source of pollution such as stormwater or snowmelt runoff, atmospheric deposition, or ground water not conveyed to a surface water discharge point within a discrete conveyance.

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

“Municipality” means a means any metropolitan district, town, consolidated town and city, consolidated town and borough, city, borough, village, fire and sewer district, sewer district and each municipal organization having authority to levy and collect taxes or make charges for its authorized function as defined by section 22a-423 of the Connecticut General Statutes.

“Permittee” means any person operator, SP-1 or SP2 licensed contractor, or municipality which is authorized by this general permit.

“Point source” means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft, from which pollutants are or may be discharged. Point source does not include agricultural stormwater discharges and return flows from irrigated agriculture.

“POTW” means a publicly owned treatment works.

“POTW authority” means the chairperson, or duly authorized representative, of the Water Pollution Control Authority which owns or operates a Publicly Owned Treatment Works (POTW).

"Person" means person as defined by section 22a-423 of the General Statutes, any individual, partnership, association, firm, limited liability company, corporation or other entity, except a municipality, and includes the federal government, the state or any instrumentality of the state, and any officer or governing or managing body of any partnership, association, firm or corporation or any member or manager of a limited liability company.

“Private residential pool” means an artificial basin constructed of concrete, steel, fiberglass or other impervious material intended for recreational bathing, swimming, diving, or therapeutic purposes which is located either indoors or outdoors and is provided with a controlled water supply and which is used or intended to be used solely at a single, two or three family residence, and which is not used for commercial or business purposes.

“Public pool” means an artificial basin constructed of concrete, steel, fiberglass or other impervious material intended for recreational bathing, swimming, diving, or therapeutic purposes which is located either indoors or outdoors and is provided with a controlled water supply and which is not used or intended to be used solely by a single, two or three family residence for residential purposes. Public pool includes a pool located at a single, two or three family residence which is used or intended to be used for commercial or business purposes. In addition, public pool may include, but not be limited to the following:

“Diving pools” used for diving or the training and practice of diving techniques.

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“Spas”, “Whirlpools”, or “Hot Tubs” used for recreational bathing which are used in conjunction with high velocity air systems, high velocity water recirculation systems, hot water, cold water, mineral baths or any combination of these items, except those intended for use by a single occupant whose water, after each use, is discharged to a sanitary sewer, e.g. hydrotherapy tubs often used in physical therapy offices.

“Special purpose pools” used exclusively for a particular purpose, including but not limited to water flumes, recreational water parks, pools for scuba diving instruction, therapeutic pools and pools used in the aquatic programs for handicapped persons.

“Swimming pools” used or intended to be used for recreational bathing, swimming and water recreation activities.

“Wading pools” used or intended to be used for wading and recreational bathing by small children.

"Registrant" means a person who or municipality which files a registration in accordance with Section 4 of this general permit.

"Registration" means a completed registration form and registration fee filed with the Commissioner pursuant to Section 4 of this general permit.

“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.

“Site” means geographically contiguous land or water on which an authorized activity takes place or on which an activity for which authorization is sought under this general permit is proposed to take place. Non-contiguous land or water owned by the same person and connected by a right-of-way which such person controls and to which the public does not have access shall be deemed the same site.

“SP-1 and SP-2” are occupational licenses for a ‘Limited Spa and Pool Contractor’ and ‘Limited Spa and Pool Journeyman’, respectively, required by the Connecticut Department of Consumer Protection for spa and pool contractors undertaking “swimming pool maintenance and repair work” pursuant to section 20-417aa of the Connecticut General Statutes.

“Surface Waters” means those waters of the state which are not ground water and the waters of Long Island Sound, its harbors, embayments, tidal wetlands and creeks; rivers and streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, federal jurisdictional wetlands, and other natural or artificial, public or private, vernal or intermittent bodies of water. Surface water does not include ground water.

“Surface water discharge” means any discharge which is discharged directly to a surface water body or stormwater collection system, including, but not limited to, direct pipe discharges and ground surface runoff discharges which are not totally absorbed by the soil.

“Sufficiently sensitive” means using a sufficiently sensitive analytical method as defined in 40 CFR §122.44(i)(1)(iv).

“Swimming pool maintenance wastewater” means wastewater generated by the acid cleaning, pressure washing, resurfacing, grouting, painting or any other maintenance of swimming pools or their associated equipment such as pool filters, pool covers, etc.

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“Swimming pool filtration backwash wastewater” means wastewater generated by backwashing a swimming pool filtration system.

“Swimming pool draining wastewater” means wastewater generated by the draining of a swimming pool and does not include wash waters generated by the chemical cleaning of sidewalls of the swimming pools.

“Swimming pool wastewater” means wastewater comprised of “Swimming pool maintenance wastewater”, “Swimming pool draining wastewater” and/or “Swimming pool filtration backwash wastewater”.

"Watercourse" means watercourse as defined in section 22a-38 of the General Statutes.

“Wetland” means both tidal wetland as that term is defined in section 22a-29(2) of the General Statutes and inland wetlands as that term is defined in section 22a-38(15) of the General Statutes.

Issued By: DRAFT

Date: XXXXXXXX

Emma Cimino
Deputy Commissioner

Draft

Appendix A Discharge Record Keeping

Date	Pool Draining Time		pH, S.U.	Total Residual Chlorine, mg/L	Total Residual Bromine, mg/L	Cyanuric Acid, mg/L	poly(hexamethylenebiguanide hydrochloride), mg/L	Temperature, F	Printed Name and Signature of Person Responsible
	Start	Stop							

Appendix B Release Prevention

Date & Time	Reason for Opening or Closing the Drain Valve	Maintenance to be Performed on the Valve	Printed Name and Signature of Person Responsible	
			Printed Name	Signature

Draft



National Pollutant Discharge Elimination System & State General Permit for the Discharge of Swimming Pool Wastewater to Surface and Ground Waters of the State

Fact Sheet

Draft

This fact sheet sets forth the significant factual, legal, and policy considerations examined during preparation of this draft master general permit. This action has been prepared in accordance with the Connecticut State Statutes and its implementing regulations, the Regulations of Connecticut State Agencies. Issuance of a master general permit serves to simplify and streamline the National Pollutant Discharge Elimination System (“NPDES”) and state groundwater permitting process for similar types of discharges; in leu of each facility having to obtain an individual permit. This general permit provides permit conditions and limitations to protect waters of the State from pollution.

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Section 1. Authority

DEEP first issued the Swimming Pool General Permit on July 1, 1998, and the current General Permit expires on August 9, 2024. The purpose of this General Permit is to protect the waters of the State from discharges associated with swimming pool wastewater from public pools. “Swimming Pool Wastewaters” is defined in the General Permit as wastewater comprised of “Swimming pool maintenance wastewater”, “Swimming pool draining wastewater” and/or “Swimming pool filtration backwash wastewater.”

This general permit is issued under the authority of section 22a-430b of the Connecticut General Statutes “CGS” and the Regulations of Connecticut State Agencies (“RCSA”).

Section 2. Authorization Under This General Permit

This general permit is a renewal and continues to authorize public swimming pool water discharges into surface and grounds waters of the state of Connecticut. This general permit is intended to authorize discharges of water containing de minimis amounts of pollutants. A de minimis discharge of pollutants for purposes of this general permit is defined as treated wastewater, which complies with all of the conditions and limitations specified in this permit. These discharges are not associated with industrial processes, site remediation activities, and/or sanitary sewerage systems.

This general permit authorizes the discharge of swimming pool wastewater as defined in this permit, from public pools to surface waters and groundwaters of the state of Connecticut. Swimming pool wastewaters include the discharge of filter backwash, maintenance pressure washing, and pool draining wastewaters to surface water and ground water. Authorization is subject to the terms and conditions of this permit. This general permit is not intended for swimming pool discharges from private residential pools; however the Department encourages private residents to use the best management practices provided in the permit when initiating a discharge to waters of the State. Section 22a-426-1 of RCSA considers swimming pool discharges from residential pools as “clean water” so long as best management practices are implemented to mitigate adverse environmental impacts. Residential pool owners should take all reasonable steps to discharge swimming pool wastewater in a manner that minimizes discharges to ground and surface waters, discharges devoid of pollutants, and discharges that does not impact adjacent property not under common ownership.

Discharge(s) to ground waters of the State which may result from a discharge authorized by this permit, such as ground surface discharge by way of land application and infiltration or from overland flow are also authorized under this general permit.

Discharges to publicly owned treatment works (“POTWs”) are no longer covered under this general permit. Authorization to discharge applicable wastewaters maybe obtained by applying for permit coverage under the General Permit for Discharges from Miscellaneous Industrial Users (“MIU GP”) or the General Permit for the Discharge of Wastewaters from Significant Industrial Users Permit (“SIU GP”).

2.1 Eligible Activities

This permit operates under the premise that if appropriate Best Management Practices (“BMPs”) are implemented prior to discharge, and when necessary treatment is provided, negative environmental impacts should not occur. If appropriate BMPs are not employed, and the discharge causes adverse environmental impacts to the receiving water, the discharge is in violation of this permit, and the entity authorizing the activity and certifying compliance with the requirements of this general permit may be subject to enforcement actions.

To be considered an eligible activity under this general permit the discharges shall be comprised solely of swimming pool wastewater as defined in this general permit. “Swimming pool wastewater” means wastewater comprised of “Swimming pool maintenance wastewater”, “Swimming pool draining wastewater” and “Swimming pool filtration backwash wastewater”.

2.2 Limitations of Coverage

The following activities and discharges are prohibited under this general permit:

- Any discharge of water, substance or material into the waters of the State other than eligible discharges specified in this general permit are not authorized by this general permit, and any person who or municipality (“person” or “permittee”) which initiates, creates, originates or maintains such a discharge must apply for and obtain authorization to discharge under section 22a-430 of the Regulations of Connecticut State Agencies (“RCSA”) prior to the occurrence of such discharge.
- Any swimming pool wastewater to publicly or privately owned storm sewers or conveyances without written consent from the owner.
- The discharge of sanitary wastewater, including floor drains in bathrooms, showers, and equipment rooms, and discharges of swimming pool wastewater comingled with other sanitary or process wastewater.
- Discharges of disinfectants which contain copper or silver are prohibited for splash pads or similar facilities which have routine and frequent overflows onto the ground and into groundwater.
- Discharges to Sanitary Sewer

Discharges of swimming pool wastewater from a public pool to a POTW through a sanitary sewer are not authorized under this general permit and are regulated by the MIU GP or the SIU GP.

Section 3. Obtaining Permit Coverage

Any discharge of water, substance or material into the waters of the state other than the ones specified in this permit are not authorized by this general permit, and any person, owner, operator, SP1 and SP2 licensed contractor, or municipality (“persons”) which initiates, creates, originates or maintains such a discharge is automatically covered under this permit. Discharges from facilities eligible for coverage under this general permit are not expected to exceed any surface or ground water standards provided all applicable discharges are in accordance with the general permit terms and conditions.

For any public swimming pool constructed after July 1, 1998, located at a site served by sanitary sewer, the plumbing shall be constructed such that all discharges of swimming pool wastewater are directed to sanitary sewer, unless sanitary sewer is not available in the area. If a sanitary sewer is not available at the site, a subsurface disposal system dedicated to swimming pool wastewater is required. Discharge of swimming pool wastewater to ground surface, or land application, shall only occur when sanitary sewer is not available and a subsurface disposal system is not technically feasible due to factors, such as site location. A discharge of swimming pool wastewater to a surface water shall only occur when sanitary sewer is not available in the area, a subsurface disposal system is not technically available, and a discharge to ground surface is not practicable due to, but not limited to factors such as the site location and proximity to surface water. The Department encourages persons and municipalities that own and operate a public pool to make best efforts to connect to the sanitary sewer and limit discharges to surface and ground waters where adverse environmental impacts may occur.

Persons are responsible for retaining appropriate documentation for the chosen disposal option utilized at the facility. Failure to connect to an available sanitary sewer or utilize a subsurface disposal system, if available, may result in the termination of permit coverage under this general permit. Wastewater disposal options resulting in a discharge to ground water or surface water shall be the final resort. The Department expects the permittee to evaluate all disposal options under the guidance of a qualified professional and retain documentation of such evaluation onsite.

Should sanitary sewer become available, the disposal option must be updated and the discharge of swimming pool wastewater must be connected to sanitary sewer within two (2) years of the sanitary sewer becoming available.

An appropriate air gap shall be utilized for all wastewater disposal scenarios.

Section 4. Registration Requirements

The Department encourages persons and municipalities that own and operate a public pool to make best efforts to connect to the sanitary sewer and limit discharges to surface and ground waters where adverse environmental impacts may occur.

Any person, owner, operator, SP1 or SP2 licensed contractor, or municipality which, in accordance with this general permit, wishes to initiate, create, originate or maintain a discharge of swimming pool wastewater generated by a public pool is automatically granted coverage under this general permit without submitting a registration to the Commissioner, provided the person, owner, operator, SP1 or SP2 licensed contractor, or municipality, complies with all of the permit conditions and utilizes best management practices mitigating adverse impacts.

Persons, owner, operator, SP1 or SP2 licensed contractor, or municipalities who already have permit coverage under previous iterations of this general permit maintain their permit coverage, provided the person, owner, operator, SP1 or SP2 licensed contractor, or municipality complies with all of the permit conditions and utilizes best management practices mitigating adverse environmental impacts.

Section 5. Swimming Pool Operations & Conditions of this General Permit

Continuous chemical addition and filtration are required to ensure a safe swimming experience for persons using public pools. Chemicals are added for disinfection and control of pH, alkalinity, and hardness. Sanitizers are added to kill and control disease-carrying bacteria, algae, and dirt. The most commonly used sanitizers are chlorine and bromine compounds. Salt (sodium chloride) can also be used in pools to reduce the demand for sanitizers. Pool water needs to be continuously filtered for removal of organic and inorganic suspended solids which would otherwise cloud water and interfere with disinfection resulting in potential public health concerns. Since pool water is commonly used for backwash, the filter backwash also usually provides for blowdown of hardness, perspiration, body oils, lotions, nitrogen compounds (chloramines), and other dissolved solids as the pool water is replaced with fresh water. The Department presumes that wastewater discharged in accordance with the permit terms, conditions, and limitations will have de minimis effects on the pollutant load entering the receiving waterbody. Discharges that do not comply with the permit terms and conditions could have negative adverse effects and cause toxicity or result in fish kill events.

Pool Cleaning

Extensive pool cleaning usually takes place at the beginning of the season. Highly concentrated acid may be used for cleaning. The chemicals disperse in the volume of water remaining in the pool prior to drainage. Minor pool cleaning also takes place throughout the year. This is the same acid used for pH adjustment and the acid for pool cleaning is calculated into the total amount necessary for proper pool pH adjustment.

Filter Backwash

Filter systems include granular media filters (sand or anthracite filters) and fabric filters (paper or cloth cartridge filters and precoat diatomaceous earth filters). The backwash of sand filters will

result in the discharge of an initial high concentration of solids. Backwash of diatomaceous earth filters will result in the discharge of the same types of solids as from sand filters plus the precoat diatomaceous earth added to the filter fabric.

Cloth cartridge filters are manually cleaned by rinsing in water and paper cartridges can be cleaned or simply disposed of. Since pool water is commonly used for backwash, the filter backwash water will usually contain chlorine at a concentration equivalent to the level maintained in the pool.

Pool Drainage

At the end of the operating season, the outdoor facilities will drain out approximately 1/2 the pool volume. Drawing down the pool allows space for ice expansion and yet provides adequate pressure on the walls to prevent collapse. Discharge to the groundwater via seepage in the proximity of the pool can cause floatation of the pool due to groundwater pressure. Indoor facilities may operate for many years before the pool needs to be drained and refilled.

In CT, the complete contents of swimming pools are seldom discharged because some level of water must be maintained to ensure the structural integrity of the pool. The Department recommends that swimming pool wastewater be free of all disinfectant and at ambient temperature prior to disposal. The Department has identified several pollutants commonly associated with the discharges of swimming pool wastewater. Numeric and narrative standards have been developed to protect the waters of the State and are specific to the type of wastewater and disposal option. See section 5.5 of this fact sheet for the specific permit limits and conditions.

Disinfection & pH Adjustments

The Department has established effluent limitations which regulate the use of disinfectants with an active ingredient of chlorine, bromine, and poly(hexamethylenebiguanide hydrochloride (“PHMB”) compounds. The permit limitations are also sufficient for protection of the use of acids and bases for the purpose of pH adjustment, including but not limited to muriatic acid, cyanuric acid, soda ash, and sodium hydroxide.

Cyanuric acid is used as a chlorine stabilizer and marketed to reduce the amount of chlorine needed to maintain the minimum chlorine residual in an outdoor pool. Hydrochloric acid or sodium bisulfate is added to lower pH and sodium carbonate is added to raise it. A balance between pH, alkalinity and hardness must be maintained to control corrosion and scaling. Sodium bicarbonate is generally added to increase alkalinity and muriatic (hydrochloric) acid or sodium bisulfate to reduce it. Hardness is raised with calcium chloride and lowered by draining out pool water and replacing with lower hardness makeup water. A softener or demineralize to reduce hardness may also be used.

Chlorine is commonly used to disinfect swimming pool water to protect pool users from bacteria. Chlorine kills bacteria, algae, and disease-causing organisms. DEEP has developed effluent limits to protect the receiving waterbody from discharges of chlorine.

Bromine, like chlorine, is also a commonly used pool or spa disinfecting agent. The advantages of bromine include a more stable level of disinfecting power at higher water temperatures, and less objectionable smell compared to that of chlorine. DEEP has developed effluent limits to protect the receiving waterbody from discharges of bromine.

The Department's preferred and most environmentally friendly means for dechlorinating is to let the water rest and allow the chlorine to dissipate naturally. The use of chemicals such as sodium bisulfite or sodium thiosulfate may be used to dechlorinate water but must be used minimally, in accordance with the manufacturer's label to prevent depression of dissolved oxygen the if wastewater is discharged to a ground or surface waterbody.

5.1 Comprehensive Education and Training Program

Persons and municipalities are required to develop, implement, and keep current a comprehensive education and training program for all swimming pool personnel involved in pool maintenance and discharges. The program shall cover pool opening and closing procedures, maintenance procedures including but not limited to, filter backwashing, pool wall and bottom acid cleaning and/or pressure washing, periodic draining to maintain chemical balance or for sanitation purposes, chlorine or bromine testing, emergency procedures, and regulatory requirements of this general permit.

5.2 Annual Training

Owners and operators of public pools and pool contractors must perform annual training for all personnel involved in pool maintenance using the Comprehensive Education and Training Program, retain records, and make them available upon request and inspection.

5.3 Erosion and Sediment Control

No persons shall cause erosion during or as a result of the discharge or any wastewaters. Persons covered under this general permit shall implement best management practices and measures to prevent or minimize erosion and sedimentation during and after the discharge has ceased.

5.4 Release Prevention Plan

Persons and municipalities of public pools are required to develop, implement, and keep current a Release Prevention Plan ("Plan"). The Plan shall include precise instructions and procedures for opening and closing valves to prevent unpermitted discharges to waters of the state. The Plan shall include lock out tag out procedures, record keeping, stored in an accessible location and made available upon request.

5.5 Treatment and Disposal Options

5.5.1 Discharges to Ground Water via a Dedicated Subsurface Disposal System

Swimming pool wastewater may be discharged from a public pool to a dedicated subsurface leaching system, dry wells, galleries, etc. (designed to receive pool water and not sewage). All chemicals must be neutralized prior to discharge, and the location of the leaching system shall meet the prescribed setbacks from drinking water wells and onsite sewage disposal systems per the CT Public Health Code.

Swimming pool draining wastewater may be discharged from a public pool to dedicated subsurface disposal system water provided the following effluent limitations are met for each discharge:

Parameter	Limit Type	Discharge Limit	Sample Type	Sample Frequency
pH, standard units	Minimum – Maximum	6.5 – 8.0	Grab	Per Discharge
Cyanuric Acid, mg/L	Maximum	100	Grab	Per Discharge
poly(hexamethylenebiguanide hydrochloride), mg/L	Maximum	0.10	Grab	Per Discharge
Total Residual Chlorine, mg/L	Maximum	0.1	Grab	Per Discharge
Total Residual Bromine, mg/L	Maximum	0.1	Grab	Per Discharge

5.5.2 Discharges to Ground Water via a Land Treatment System

Swimming pool wastewater may be discharged from a public pool to a dedicated land treatment system. Land application of wastewater onto the ground surface shall not result in ponding or flooding conditions, the discharge shall infiltrate the ground completely and not run off into a surface water, stormwater collection conveyance system to surface water, wetland, pond or onto adjacent property not under common ownership.

The entire discharge volume shall be land applied and absorbed into the soil matrix maintaining a minimum distance of at least 25 feet from any drinking water supply well, subsurface sewage disposal system or surface water body.

All other swimming pool wastewater may be land applied to the ground surface provided the following effluent limitations are met for each discharge:

Parameter	Limit Type	Discharge Limit	Sample Type	Sample Frequency
pH, standard units	Minimum – maximum	6.5 – 8.5	Grab	Per Discharge
Cyanuric Acid, mg/L	Maximum	100	Grab	Per Discharge
poly(hexamethylenebiguanide hydrochloride), mg/L	Maximum	0.10	Grab	Per Discharge
Total Residual Chlorine, mg/L	Maximum	3.0	Grab	Per Discharge
Total Residual Bromine, mg/L	Maximum	3.0	Grab	Per Discharge

5.5.3 Discharges to Surface Water

A discharge of swimming pool wastewater to a surface water shall only occur when sanitary sewer is not available in the area, a subsurface disposal system is not technically feasible, and a discharge to ground surface is not practicable due to, but not limited to factors such as the site location and proximity to surface water. Persons must maintain sufficient documentation developed by a qualified professional and records supporting this disposal option and make them available within 48 hours of request. Persons shall bear the burden to demonstrate the disposal options of wastewater to a POTW, dedicated subsurface disposal system, and land application are not available at the time of discharge.

The permit includes prohibited discharges to surface water and restrictions for discharges in public water supply areas. The permit was revised to prohibit the discharge of swimming pool draining wastewater to a surface water from a pool that uses a chlorine generator to produce free chlorine, and thus has a higher sodium chloride content. These discharges must be discharged to a POTW or applied to the ground surface and infiltrate into the ground to mitigate instream aquatic toxicity. The permit also prohibits the discharge of copper, total, zinc, total, and silver to surface water.

Additionally, this section was modified to include the state of Connecticut's narrative water quality standards as follows:

The permittee shall assure that the surface water affected by the subject discharge shall conform to the Connecticut Water Quality Standards.

- No discharge shall contain, or cause in the receiving stream, a visible oil sheen or floating solids, or cause visible discoloration or foaming in the receiving stream.
- No discharge shall cause acute or chronic toxicity in the receiving water body.
- The temperature of any discharge shall not increase the temperature of the receiving stream above 85 °F, or in any case, raise the temperature of the receiving stream by more than 4 °F.

Swimming pool draining wastewater may be discharged from a public pool to a surface water provided the following effluent limitations are met for each discharge:

Parameter	Limit Type	Discharge Limit	Sample Type	Sample Frequency
pH, standard units	Minimum – Maximum	6.5 – 8.0	Grab	Per Discharge
Cyanuric Acid, mg/L	Maximum	100	Grab	Per Discharge
poly(hexamethylenebiguanide hydrochloride), mg/L	Maximum	0.10	Grab	Per Discharge
Total Residual Chlorine, mg/L	Maximum	0.1	Grab	Per Discharge
Total Residual Bromine, mg/L	Maximum	0.1	Grab	Per Discharge
Temperature, degrees Fahrenheit	Maximum	85	Grab	Per Discharge

Section 6.0 Record Keeping & Record Retention

This section was revised to clarify the record keeping requirements for all discharges. All records and analytical reports shall be maintained for a minimum of five (5) years and made available upon inspection or request.

Section 7.0 Reporting a Violation

This section was modified to provide concise and consistent requirements for how and when to report a permit violation. DEEP has developed an online web-based platform for permittees to report violations and the required five (5) day follow up report.

Section 8.0 Regulations of Connecticut State Agencies

Section 9.0 State and Federal Standard Conditions

The standard conditions have been included in this general permit for the convenience of the permittee and are generally duplicative of the incorporated regulations incorporated in section 8 of this general permit.

Section 10.0 Antidegradation

Implementation of the Antidegradation Policy follows a tiered approach pursuant to the state and federal regulations and consistent with the Connecticut Antidegradation Policy included in the Connecticut Water Quality Standards in Section 22a-426-8(b-f) of RCSA. Tier 1 Antidegradation review applies to all existing permitted discharge activities to all waters of the state. Tiers 1 and 2 Antidegradation reviews apply to new or increased discharges to high quality

waters and wetlands, while Tiers 1 and 3 Antidegradation reviews apply to new or increased discharges to outstanding national resource waters.

An antidegradation evaluation is conducted during the development of this general permit to ensure that existing and designated uses of surface waters and the water quality necessary for their protection are maintained and preserved, consistent with Connecticut Water Quality Standards, RCSA Sec.22a-426-8(a)(1). This review involved the following:

- An evaluation of narrative and numeric water quality standards, criteria, and associated policies;
- The discharge activity both independently and in the context of other dischargers in the affected waterbodies; and
- Consideration of any impairment listed pursuant to Section 303d of the federal Clean Water Act or any TMDL established for the waterbody.

DEEP has determined that the discharges and activities authorized by this general permit are consistent with the maintenance, restoration, and protection of existing and designated uses assigned to the receiving water body by considering all relevant available data. Discharges to high quality waters and wetlands are not authorized under this general permit and may require an individual permit and antidegradation evaluation to protect those waterbodies.

Section 11.0 Public Participation

Prior to making a final decision to approve or deny any application, the Commissioner shall consider written comments on the application from interested persons that are received within 30 days of this public notice. Written comments should be directed to Audra Dickson, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 061065127 or Audra.Dickson@ct.gov. The Commissioner may hold a public hearing prior to approving or denying an application if in the Commissioner's discretion the public interest will be best served thereby, and shall hold a hearing upon receipt of a petition signed by at least twenty five persons. Notice of any public hearing shall be published at least 30 days prior to the hearing.

Petitions for a hearing should include the application number 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 application 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, 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. For additional information go to www.ct.gov/deep/adjudications.

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act (ADA). If you are seeking a communication aid or service, have limited proficiency in English, wish to file an ADA or Title VI discrimination complaint, or require some other accommodation, including equipment to facilitate virtual participation, please contact the DEEP Office of Diversity and Equity at 860-418-5910 or by email at deep.accommodations@ct.gov. Any person needing an accommodation for hearing impairment may call the State of Connecticut relay number - 711. In order to facilitate efforts to provide accommodation, please request all accommodations as soon as possible following notice of any agency hearing, meeting, program, or event.

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Notice of Tentative Decision

Intent to Reissue a General Permit for the Discharge of Swimming Pool Wastewater to Waters of the State

1.0 Tentative Decision

The Commissioner of the Department of Energy and Environmental Protection (“Department” or “DEEP”) hereby gives notice of a tentative decision to reissue and administer the General Permit for the Discharge of Swimming Pool Wastewater (“Swimming Pool General Permit” or “General Permit”) under the authority of section 22a-430 of the Connecticut General Statutes authorizing both point source discharges to surface water and nonpoint source discharges to ground water.

2.0 Commissioner’s Findings

DEEP first issued the Swimming Pool General Permit on July 1, 1998, and the current General Permit expires on August 9, 2024. The purpose of this General Permit is to protect the waters of the State from discharges associated with swimming pool wastewater from public pools. “Swimming Pool Wastewaters” is defined in the General Permit as wastewater comprised of “Swimming pool maintenance wastewater”, “Swimming pool draining wastewater” and/or “Swimming pool filtration backwash wastewater.”

In accordance with applicable federal and state law, the Commissioner has made a tentative decision that discharges in accordance with, and authorized under the Swimming Pool General Permit would not cause pollution of the waters of the State. The proposed General Permit, if reissued, contains effluent limits, best management practices, and permit conditions established in accordance with Section 22a-430 of the Regulations of Connecticut State Agencies necessary to protect the waters of the state.

Permittees are required to comply with all permit conditions and limitations of this General Permit. The General Permit is effective on the date it is issued by the Commissioner and expires 5 (five) years after the issuance date.

3.0 General Permit Regulatory Conditions

3.1 The General Permit authorizes the discharges of swimming pool wastewater to surface and ground waters of the state of Connecticut. Any discharge of water, substance or material into the waters of the state other than the ones specified in the General Permit are not authorized by this

General Permit. Any person, owner, operator, SP1 & SP2 contractor, or municipality (“persons”) which initiates, creates, originates or maintains such a discharge is automatically covered and shall comply with the permit terms and conditions.

3.2 Proposed Administrative Changes

The proposed General Permit will no longer require the submittal of a registration form and permit coverage will be automatic, provided that persons discharging eligible wastewaters comply with all of the permit terms and conditions as specified in the General Permit. The Department is not requiring existing permittees authorized to discharge under the current General Permit to submit a new registration form to maintain permit coverage.

Additionally, the General Permit no longer requires “any person in the business of cleaning, draining or maintaining multiple public pools and/or private residential pools” to submit a contractor registration form and coverage under this General Permit will be automatic provided that persons discharging eligible wastewaters comply with all of the permit terms and conditions as specified in the General Permit.

This General Permit no longer authorizes discharge of swimming pool wastewater from a public pool to sanitary sewers. Authorization to discharge to a local Publicly Owned Treatment Works (POTW) shall be obtained under the Pretreatment Miscellaneous Industrial User or Significant Industrial User General permit.

3.3 Type of Treatment

The type or treatment required is varied and is dependent on disposal location. For any swimming pool constructed after July 1, 1998, located at a site served by sanitary sewer, the plumbing shall be constructed such that all discharges of swimming pool wastewater are directed to sanitary sewer, unless sanitary sewer is not available in the area. If a sanitary sewer is not available at the site, a subsurface disposal system dedicated to swimming pool wastewater is required. Discharge(s) of swimming pool wastewater to the ground surface (or land application) via a nonpoint discharge to groundwater shall only occur when a sanitary sewer or a subsurface disposal system are not available, nor can be constructed due to site limitations. A discharge of swimming pool wastewater to a surface water shall only occur when sanitary sewer is not available in the area, a subsurface disposal system is not available, and a discharge to ground surface is not practicable due to, but not limited to factors such as the site location and proximity to surface water. The Department encourages persons and municipalities that own and operate a public pool to make its best effort to connect to the sanitary sewer and limit discharges to surface or ground waters where adverse environmental impacts may occur. Discharges to storm drains are not authorized under this General Permit, unless specific written authorization from the owner is obtained.

3.4 Effluent Limitations & Best Management Practices

This General Permit contains effluent limitations to protect the water quality standards including numeric limits and narrative permit conditions. The General Permit prohibits the discharge of swimming pool wastewater that may cause or be considered toxic.

3.5 Comprehensive Education and Training Program & Release Prevention Plan

The General Permit requires the permittees to develop and maintain a Comprehensive Education and Training Program for all swimming pool personnel involved in pool maintenance. The program shall cover pool opening and closing procedures, maintenance procedures including but not limited to, filter backwashing, pool wall and bottom acid cleaning and/or pressure washing, periodic draining to maintain chemical balance or for sanitation purposes, chlorine or bromine testing, emergency procedures, and regulatory requirements. Persons must also develop and maintain onsite a Release Prevention Plan.

3.6 Prohibitions

The discharges of sanitary wastewater, including floor drains in bathrooms, showers, and equipment rooms, discharges of swimming pool wastewater comingled with other sanitary or process wastewater are not authorized under the proposed General Permit.

4.0 Commissioners Authority

The Commissioner is authorized to issue this General Permit pursuant to sections 22a-430 and 22a-430b of the Connecticut General Statutes (CGS) and the Water Discharge Permit Regulations (section 22a-430-3 and 4 of the Regulations of Connecticut State Agencies). The Commissioner is authorized to require persons covered under this permit to obtain an individual permit pursuant to CGS section 22a-430b.

5.0 Public Comment

Interested persons may obtain a copy of this public notice, the proposed General Permit and the General Permit fact sheet on the DEEP website at www.ct.gov/deep/publicnotices. The General Permit materials are also available for inspection at the DEEP Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division, 79 Elm Street, Hartford, CT from 8:30am – 4:30pm, Monday through Friday. Questions may be directed to Audra Dickson at audra.dickson@ct.gov

Prior to making a final decision on the proposed General Permit, the Commissioner shall consider written comments from interested persons that are received within thirty (30) days of this public notice. Written comments should be directed to: Audra Dickson, Water Permitting and Enforcement Division, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 061065127 or may be submitted via electronic mail to: Audra Dickson at audra.dickson@ct.gov . Electronic mail is recommended.

6.0 Petitions for Public Hearing

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.

Emma Cimino
Deputy Commissioner

Dated:

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.

Draft Permit and Fact Sheet PDF link