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2025 Draft Comprehensive General Permit and CWWA Petition for Contested Case Hearing

CWWA/AWWA FALL CONFERENCE 2026

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Of Note

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Agenda

- Comprehensive General Permit (CGP) History
- December 2025 Draft CGP
- Key Issues
- CGP Legal Review
- Pending and Potential Steps

Water Treatment Wastewater Discharges



Water treatment wastewater includes

- Clarifier blowdown and filter backwash
- Regeneration wastewater and RO reject water
- Equipment leakage and process sampling points
- Start-up wastewaters
- Hydrant flushing
- Tank draining
- Etc.

Discharge Permit History

- Discharges originally regulated under the Water Treatment Wastewater General Permit
- 2018: Transitioned to the Comprehensive General Permit for Discharges to Surface Water and Groundwater
  - Discharges to sanitary sewer were covered under SIU/MIU
- April 2023: Comprehensive General Permit reissued without modification
- September 18, 2024: Revised draft Comprehensive GP issued
  - CT Section AWWA / Aquarion / RWA / CT Water filed a petition opposing various provisions
  - Multiple working sessions with CT DEEP
  - Early 2025: Draft withdrawn by CT DEEP

2025 Revised Draft Comprehensive GP

- Residuals Committee efforts to work with CT DEEP on a new draft were rebuffed
- New draft issued Christmas Eve 2025, with comments through January 23, 2026
- **CT DEEP Fact sheet issued with draft GP:**
  - Stated (draft) permit remained largely consistent with 2018 version
  - Numerous errors in referenced regulatory language
- **Reality:**
  - Same issues as the 2024 draft, plus many others

- **CT AWWA and CWWA mobilized and worked together to file petition for Contested Hearing and Intervenor status**

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Key Issues

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Hydrant and Water Main Flushing

- **GA groundwater areas:**
  - Flushing discharges not allowed
  - Essentially required containerization and/or sanitary sewer discharge
  - CT DPH and CT WEA opposed this approach
- **GB groundwater areas:**
  - Retain discharged water on the parcel where the discharge was located
  - No discharge within 15 feet of a property line
  - Determine locations of privately owned septic systems

- **Estimated compliance cost: $50–$100 million per year**

Flushing: Regulatory Solution

- Sought and achieved a regulatory solution to modify allowable discharges in GA areas
- CT DEEP conceded that hydrants could now be flushed in GA areas
  - CT DEEP held firm on the other flushing requirements
  - The GA resolution left broader operational concerns unresolved



Groundwater Monitoring

- Required installation of groundwater monitoring wells for discharges to the head of the plant greater than 10,000 gpd (prior draft referenced 50,000 gpd)
- Required hydrogeologic investigation around backwash basins and clarifier settling basins
- Required initial investigation, followed by further investigation and monitoring
- DEEP acknowledged possible tree clearing and construction of access roads would be required
- This permit condition would require
  - Consulting, drilling and ongoing monitoring costs
- **Estimated capital cost: $50–$60,000 per facility**



Additional Technical and Compliance Concerns

- Whole effluent toxicity testing included other testing unrelated to toxicity evaluations
- Duplicative PFAS testing
- Instream waste concentration-based limits and significantly lower effluent limits
- Difficult to determine what “compliance” was due to conflicting permit conditions
- No allowances for de minimis discharges
- Expanded application and reporting requirements
- Significantly increased fees

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CGP Legal Review

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Overview



Petition for Contested Case Hearing and Intervening Party Status



Parallel Reviews - FOIA, Legislative, Contested Case



Pending and Potential Next Steps

CWWA Contested Case & Intervening Party Petition

1/23/26: CWWA Petition Filed

- Heightened standard for contested case hearing requiring demonstration of affected legal rights, duties or privileges per P.A. 25-84
- Difficult for associations and other intervenors to meet

2/2/26: DEEP Objection

2/9/26: CWWA Response to DEEP Objection

2/27/26: Hearing Officer Grants CWWA Petition

- CWWA “notes [specific examples how] general permit will directly impact its members”
- CWWA “appropriately demonstrated that its legal rights, duties, or privileges will be, or may reasonably be expected to be, affected by the agency’s decision”

CGP Review – Parallel Approaches



- FOIA Requests



- CWWA Legislative Session Discussions



- Contested Case – Mediation/ Negotiations and Hearing

FOIA Requests

- Multiple records requests, including:
  - Changes to authorize hydrant flushing discharges as separate category
  - Grounds for new 2023 CGP restrictions on hydrant flushing and water treatment wastewater discharges and expanded monitoring well and groundwater study requirements
  - Adverse effects and complaints re hydrant flushing, tank drainage, or water treatment wastewater discharges
  - Related consultations with DPH and CT Water Planning Council
  - DEEP review of discharging and hauling hydrant flushing waters to POTWs
  - Applicability in CGP of “clean water” discharges, “water treatment waste water” discharges, and discharges from “public or private drinking water treatment systems” under the Connecticut Water Quality Standards
  - **Status: Pending**

Legislative – Connecticut Water Quality Standards

- Standards for classifying surface and ground waters and Allowable Discharge permitting, adopted as regulations under CGS 22a-426
- Allowable Discharges in SA and SAA surface water and/or GA and GAA groundwater include:
    - Water treatment wastewaters from public water supply treatment systems
    - Public or private drinking water treatment system discharges
    - Clean water discharges

House Bill 5153 / P.A. 26-124


STATE OF CONNECTICUT

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Substitute House Bill No. 5153

Sec. 10. (NEW) (Effective from passage) For the purposes of any water discharge permit … "discharges from public or private drinking water treatment systems" includes potable water system maintenance or sampling wastewaters which include:
(1) Potable water storage tank or water line draining for maintenance or hydrostatic testing purposes;
(2) raw or treated water from process sampling points, including on-line process analytical instrumentation;
(3) raw or treated water from equipment leakage and bleed-off; and
(4) periodic hydrant flushing.

Contested Case – Mediation/Negotiations and Hearing

Mediation/Negotiations with DEEP Counsel and Staff

- Formal mediation – commenced; terminated by DEEP staff
- Further exchange of multiple redlines and related comments
- Following legislation, DEEP proposed separate CGP categories for Drinking Water Treatment System Wastewater and Hydrant Flushing Discharges

DEEP Proceedings on 2025 Notice of Tentative Determination and Draft CGP Proposal

- DEEP tried to coordinate its responses to CWWA and others' CGP public comments
- July 2026: DEEP formally withdraws its 2025 TND and Draft CGP Proposal
  Underlying DEEP Intent to Renew CGP remains

DEEP Motion to Dismiss for Mootness

- CWWA objects to document and preserve rights
- Hearing Officer grants DEEP motion without prejudice to CWWA

Pending and Potential Steps

- DEEP responses to FOIA Requests (pending)
- DEEP to issue new draft CGP (date TBD)
- CWWA may Petition for Contested Case Hearing and Intervening Party Status when DEEP proposes new TND/Draft CGP
    - Petition on 2025 CGP: “CWWA’s petition appropriately demonstrated that its legal rights, duties, or privileges will be, or may reasonably be expected to be, affected by the agency’s decision.”
    - Contested Case Hearing on 2025 CGP: Dismissed “without prejudice to CWWA’s ability to raise objections to and/or arguments against any revisions or modifications of the General Permit in the future”

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