



Statement of Reasons Pursuant to Connecticut General Statutes Section 4-168d

**HEARING REPORT
June 14, 2013**

**Amendment of the Regulations of Connecticut State Agencies Concerning the
Adoption of Section 22a-426-1 to 22a-426-9,
Connecticut Water Quality Standards Regulations**

**Hearing Officer:
Brian Thompson
Director**

**Bureau of Water Management and Land Reuse
Office of Long Island Sound Programs**

**Hearing Date:
May 21, 2013**

TABLE OF CONTENTS

I. Introduction.....2

II. Administrative Requirements2

III. Background2

IV. Summary of Regulations as Proposed for Public Hearing.....3

V. Statement of Principal Reasons in Support of the Regulations Proposed for Public Hearing4

VI. Statement of Principal Reasons in Opposition of the Regulations Proposed for Public Hearing and the Department’s Response to Such Reasons4

VII. Specific Comments and Response thereto on the Regulations as Proposed for Hearing5

VIII. Conclusion5

IX. APPENDICES6

 Appendix I: Notice of Intent to Adopt Regulations and to Hold a Public Hearing..... 7

 Appendix II: Exhibit List 9

 Appendix III: Text of Final Regulations 10

I. INTRODUCTION

On April 16, 2013, the Commissioner of the Department of Energy and Environmental Protection (“Department”) published a notice of intent (Appendix I) to adopt Connecticut Water Quality Standards Regulations (“Water Quality Standards”) as Sections 22a-426-1 to 22a-426-9, inclusive, of the Regulations of Connecticut State Agencies (“RCSA”). Pursuant to such notice, a public hearing was held on May 21, 2013 in the Phoenix Auditorium at 79 Elm Street in Hartford from 9:00 a.m. until approximately 9:30 a.m. No individuals provided oral comments at the hearing. The public comment period for the proposed regulations closed on May 21, 2013 at 5:00 p.m. Five written comment letters were received.

II. ADMINISTRATIVE REQUIREMENTS

As required by the Connecticut General Statutes Sec. 4-168(d), this report describes (1) the final wording of the proposed regulation; (2) a statement of the principal reasons in support of the Department’s intended action; and (3) a statement of the principal considerations in opposition to the intended action as urged in written or oral comments on the proposed regulations and the reasons for accepting or rejecting such considerations in revisions of the regulations. The list of individuals and organizations who submitted comments on the proposed regulations is included in Appendix II (Exhibit List, Exhibits 14 - 18).

III. BACKGROUND

Connecticut’s Water Quality Standards have been in existence since 1967 pursuant to § 22a-426 of the Connecticut General Statutes (Conn. Gen. Stat.). The established Water Quality Standards were adopted and periodically reviewed and updated through a public process in accordance with state statute and federal law, the most recent revision being finalized on February 25, 2011. The Water Quality Standards set the overall policy for management of surface water and ground water quality in accordance with the state and federal clean water programs. They designate use goals, define allowable discharges, and identify measures necessary to maintain the chemical, physical, and biological integrity of Connecticut’s waters, provide for the protection and propagation of fish, shellfish, and wildlife, for recreation in and on the water, and to protect public and private drinking water supplies. The Surface Water Quality Standards are required by and consistent with Section 303 of the federal Clean Water Act. There are no substantive changes to the existing Water Quality Standards proposed as part of this rulemaking exercise.

The Department proposed to codify Connecticut’s established Water Quality Standards as regulations in response to an amendment to Conn. Gen. Stat. § 22a-426 (Section 9 of Public Act 10-158) that required the Water Quality Standards to be adopted as regulations.

Although the previous statutory process for adoption of the Water Quality Standards included notice and active public participation, the regulatory adoption process requires more formal review and approval by the Office of the Attorney General and the Legislative Regulation Review Committee before the Department can promulgate these regulations. In addition to the

new procedural requirements, the Department reorganized the standards and changed the text where necessary to comply with proper regulatory format.

The Department took great care to codify the Standards without any substantive changes as part of this rule-making process. Substantive changes to the Standards will be considered during the federally-mandated Triennial Review process, slated to begin in the fall or winter of 2013. Although the Triennial Review is only mandated for the Surface Water Quality Standards, the Department anticipates including the Ground Water Quality Standards as part of that process. Any future amendments to the Water Quality Standards once codified as regulations, must also comply with the applicable procedural and formatting requirements.

Since there are no substantive changes to the established Water Quality Standards, this change in format and process of adoption does not change the Standards, associated criteria, or how the Standards are applied. Therefore, the full effect of the Water Quality Standards, as last modified on February 25, 2011, is already in place. As such, the fiscal analysis of impacts to the state and municipalities as well as businesses completed as part of this adoption process reflects that adoption of these regulations will not require the state, municipalities or businesses to take any additional actions nor incur additional costs.

IV. SUMMARY OF REGULATIONS AS PROPOSED FOR PUBLIC HEARING

The regulations as proposed for hearing include the following sections:

- A. Section 22a-426-1** – Short title and description for the proposed regulations – “Connecticut Water Quality Standards”.
- B. Section 22a-426-2** – Purpose, Goals and Applicability. The overarching goal of the Water Quality Standards is to provide clear and objective public policy statements of a general program to improve the water resources of the state and shall apply to all waters of the state. More detailed objectives are provided in this section.
- C. Section 22a-426-3** – Definitions. These include terms such as “clean water”, “chronic toxicity”, “designated use”, “ecosystem function”, “natural”, “use attainability analysis”, and “zone of influence” among other terms used in the standards.
- D. Section 22a-426-4** – Surface Waters. This section sets out the overall goals for the surface waters of the state; establishes a classification system for surface waters, defining each class, its designated uses, and allowable discharges; and defines the criteria that must be met in order to change a surface water quality classification.
- E. Section 22a-426-5** – Biological Condition Gradient Model. This section establishes the concept of the biological condition gradient model, and categorizes ecological attribute changes into tiers.

- F. Section 22a-426-6** – Lake Trophic Categories. This section describes how ranges of Total Phosphorus, Total Nitrogen, Chlorophyll-a, Secchi Disk Transparency and macrophyte data are collectively assessed to determine the trophic state of a lake.
- G. Section 22a-426-7** – Ground Waters. This section sets out the overall goals for the ground waters of the state; establishes a classification system for ground waters, defining each class, its designated uses, and allowable discharges; and defines the criteria that must be met in order to change a ground water quality classification.
- H. Section 22a-426-8** – Antidegradation Standards and Antidegradation Implementation Policies. This section establishes the Antidegradation standards and implementation policies, tiers for evaluation and implementation review, including evaluation of alternatives and overriding social or economic need, as warranted, and public participation requirements.
- I. Section 22a-426-9** – Environmental Criteria. This section sets out numeric criteria in table form for each class of surface and ground waters.

V. STATEMENT OF PRINCIPAL REASONS IN SUPPORT OF THE REGULATIONS PROPOSED FOR PUBLIC HEARING

The revised regulations have been drafted in accordance with the statutory mandate of Conn. Gen. Stat. § 22a-426, as amended by PA 10-158, to codify Connecticut’s established Water Quality Standards into Regulations. As stated previously, the intent was not to make any substantive changes to the existing standards, but to simply codify them into regulatory language. Two of the five comment letters submitted were supportive of the regulations as proposed, one stating “We fully support the codification of these standards, which have already undergone a formal public review process. We believe the Standards are important in the effort to protect water resources in the state and balance ecological and economic considerations.” (Appendix II, Exhibit 15) Another letter stated: “It is our understanding that the proposed Connecticut Water Quality Standards Regulations are intended to codify the existing standards into a regulatory format in compliance with state law. As such, we do not have any specific concerns with the proposed regulations, as currently drafted.” (Appendix II, Exhibit 18)

VI. STATEMENT OF PRINCIPAL REASONS IN OPPOSITION OF THE REGULATIONS PROPOSED FOR PUBLIC HEARING AND THE DEPARTMENT’S RESPONSE TO SUCH REASONS

There were no speakers at the public hearing and none of the five written comment letters submitted was in opposition to the proposed regulations.

One comment letter recommended a number of substantive changes to the established Water Quality Standards (Appendix II, Exhibit 14), and another offered several suggestions for

substantive changes that they would like to work on with the Department (Appendix II, Exhibit 15). The proposed substantive changes ranged from adding exemptions for public water supply reservoirs from certain standards, to extending the disinfection period for wastewater treatment facilities. These recommendations have been noted, and will be deferred for consideration later this year in the Triennial Review process.

VII. SPECIFIC COMMENTS AND RESPONSE THERETO ON THE REGULATIONS AS PROPOSED FOR HEARING

Only one comment letter submitted necessitated a change to the regulations as proposed for hearing: The correspondence noted that Standard 27 on page 7 of the existing Water Quality Standards was omitted from the proposed regulations (Appendix II, Exhibit 17). This was an oversight on the Department's part. Standard 27, which sets the temperature criteria for the estuarine segments of the Housatonic, Connecticut and Thames Rivers, has been added in its entirety to Section 22a-426-9(a), Table 1- Surface Water Criteria by Classification under "Allowable Temperature Increase" for Class SA and Class SB waters (see pages 51-52 of Appendix III).

It should be noted that several typographic errors and incorrect internal citations were noted in the review process and these have been corrected.

VIII. CONCLUSION

Based upon the comments submitted by interested parties and addressed in this Hearing Report, I recommend the proposed final regulation, as attached hereto, be submitted by the Commissioner of the Department of Energy & Environmental Protection for approval by the Attorney General and the Legislative Regulations Review Committee and upon adoption, be submitted to the U. S. Environmental Protection Agency for approval as a revision of the Connecticut Surface Water Quality Standards. Once approved, the regulations will be filed with the Office of the Secretary of the State for inclusion in the Regulations of Connecticut State Agencies.



Brian Thompson
Hearing Officer



Date

IX. APPENDICES

List of Appendices:

Appendix I: Notice of Intent to Adopt Regulations and to Hold a Public Hearing

Appendix II: Exhibit List

Appendix III: Text of Final Regulations

**APPENDIX I:
NOTICE OF INTENT
TO ADOPT REGULATIONS AND TO HOLD A PUBLIC HEARING**

The Commissioner of the Department of Energy and Environmental Protection hereby gives notice of his intent to adopt regulations and hold a public hearing as part of a rulemaking process. Pursuant to sections 4-168 and 22a-6 of the Connecticut General Statutes, and section 22a-3a-3 of Regulations of Connecticut State Agencies (“RCSA”), the Commissioner hereby gives notice of his intention to adopt RCSA sections 22a-426-1 through 22a-426-9, inclusive, to be known as the Connecticut Water Quality Standards Regulations. These regulations are being proposed under the authority of section 22a-426 of the Connecticut General Statutes, in accordance with Section 9 of Public Act 10-158.

The purpose of these regulations is to codify Connecticut’s established Water Quality Standards into regulations. The Water Quality Standards set the overall policy for management of surface water and ground water quality in accordance with the state and federal clean water programs. They designate use goals, define allowable discharges, and identify measures necessary to maintain the chemical, physical, and biological integrity of Connecticut’s waters, provide for the protection and propagation of fish, shellfish, and wildlife, for recreation in and on the water, and to protect public and private drinking water supplies. The Surface Water Quality Standards are required by and consistent with Section 303 of the federal Clean Water Act.

The established Water Quality Standards were adopted in accordance with state statute and federal law, which include a public review process. The most recent revision of the Water Quality Standards was finalized February 25, 2011.

These regulations are being proposed under the authority of section 22a-426 of the Connecticut General Statutes. This section was recently amended to require the adoption of the state’s Water Quality Standards as regulations. The proposed regulations codify the existing Standards into a regulatory format in fulfillment of the statute’s requirements. There are no substantive changes to the existing standards proposed as part of this rulemaking exercise.

The proposed regulations include, but are not limited to, provisions regarding: (1) short title; (2) purpose, goals and applicability; (3) definitions; (4) surface waters; (5) biological condition gradient model; (6) lake trophic category; (7) ground waters; (8) anti-degradation standards and anti-degradation implementation procedures; and (9) environmental criteria.

Copies of the proposed regulations, fiscal analysis, small business impact and other related material, are available for public inspection during normal business hours at the Department of Energy and Environmental Protection’s Bureau of Water Protection and Land Reuse, Planning and Standards Division, 2nd Floor, 79 Elm Street, Hartford, CT. A link to the proposed regulations is available on the Department’s web site at <http://www.ct.gov/deep/publicnotices>. These documents can also be obtained by contacting Patty Gilmore at the above address, or by phone at (860) 424-3020.

Public Hearing and Comments - All interested parties are invited to express their views on the proposed regulations at a hearing to be held at the following place and time:

May 21, 2013
9:00 a.m. – until all comments have been heard
Phoenix Auditorium, 5th Floor
Department of Environmental Protection
79 Elm Street, Hartford, Connecticut

The hearing officer may close the hearing at that time, adjourn to a later date if needed or hold the record open for the submission of additional written testimony.

Speakers are requested, although not required, to submit a written copy of their comments.

Written comments on the proposed regulations may be submitted to Robert Hust, Department of Energy and Environmental Protection, Bureau of Water Protection and Land Reuse, Planning & Standards Division, 79 Elm Street, Hartford, Connecticut, 06106–5127 by May 21, 2013 or at any time prior to the close of the public hearing. All comments must be received by the close of the public hearing and will not be accepted or considered if received after the close of the public hearing.

In addition, the Department provides notice that an informational session will be held:

May 7, 2013
9:00 a.m. – 11:30 a.m.
Phoenix Auditorium, 5th Floor
Department of Environmental Protection
79 Elm Street, Hartford, Connecticut

Interested persons are advised, however, that this informational session is not a substitute for submitting comments in the manner described above in this notice and that the Department will not be receiving public comments during the informational session. Any person seeking to comment on the proposed regulations will need to submit a comment in writing or at the public hearing, even if the same matter is discussed during the informational session.

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action and Equal Opportunity Employer that is committed to the requirements the Americans with Disabilities Act. To request an accommodation, call 860-424-3194 or at deep.hrmed@ct.gov.

Daniel C. Esty
Commissioner

**APPENDIX II:
EXHIBIT LIST**

Proposed Connecticut Water Quality Standards Regulations	
EX. #	Exhibits and Comments Received from:
1	CT DEEP Authorization to Hold Public Hearing authorizing Brian Thompson to conduct today's hearing and signed by Commissioner Daniel C. Esty on March 25, 2013
2	CT DEEP Notice of Intent to Adopt Regulations and to Hold a Public Hearing, signed by Commissioner Daniel C. Esty on March 25, 2013
3	CT DEEP Notice of Intent to Adopt Regulations and to Hold a Public Hearing published in the Connecticut Law Journal on April 16, 2013
4	CT DEEP Affidavit of Publication in Newspapers on April 16, 2013
5	CT DEEP Proposed Water Quality Standards Regulations which are subject to today's hearing, dated April 16, 2013
6	CT DEEP Notification Form of Small Business Regulatory Impact and Regulatory Flexibility Analysis, dated March 1, 2013
7	CT DEEP Notification Form of Agency Fiscal Estimate of Proposed Regulations, dated March 1, 2013
8	CT DEEP Statement Pursuant to Section 22a-6(H) of the Connecticut General Statutes Regarding Proposed Regulations
9	CT DEEP Letters transmitting the Notice of Intent to Adopt Regulations to the Environment Committee, the New England Interstate Water Pollution Control Commission, US EPA Region 1, the list of persons requesting advance notice of regulation-making proceedings, and additional interested parties
10	CT DEEP Email notifying US EPA Region 1 of the publication of the Notice of Intent to Adopt Regulations, dated April 16, 2013
11	CT DEEP Attendance sheet for public informational meeting held on May 7, 2013
12	CT DEEP A copy of the presentation given at the public informational meeting held on May 7, 2013
13	CT DEEP Attendance sheet for this public hearing held today, May 21, 2013
14	Letter from Ellen Blaschinski, Chief, State of Connecticut, Department of Public Health, dated April 29, 2013
15	Letter from Jacqueline Talbot, Lower River Steward, Connecticut River Watershed Council, dated May 20, 2013
16	Correspondence from Kachina Walsh-Weaver, State Relations Manager for the Connecticut Conference of Municipalities (CCM), dated May 21, 2013.
17	Correspondence from Ellen Weitzler, P.E., Acting Water Quality Branch Chief and Water Quality Standards Coordinator, USSEPA – New England Region 1, dated May 21, 2013
18	Correspondence from Elizabeth Gara, Executive Director, Connecticut Water Works Association, dated May 21, 2013

APPENDIX III:

TEXT OF FINAL REGULATIONS

The Regulations of Connecticut State Agencies are amended by adding sections 22a-426-1 to 22a-426-9, inclusive, as follows:

(NEW) Section 22a-426-1 Short Title and Description Sections 22a-426-1 through 22a-426-9, inclusive, and the Classification Maps adopted pursuant to Section 22a-426 of the Connecticut General Statutes, shall be known as the Connecticut Water Quality Standards. The Connecticut Water Quality Standards include three elements: the Standards, Criteria and a series of Classification Maps. The Standards designate use goals and set the overall policy for management of surface water and ground water quality which are necessary to protect and restore water quality. The Criteria include narrative and numeric criteria that prescribe the allowable parameters and conditions for various water quality classifications required to sustain the designated uses. The Classification Maps have been adopted and are amended from time to time pursuant to the statutory process described in section 22a-426 of the Connecticut General Statutes. The Classification Maps show the water quality class assigned to each surface water and ground water resource throughout the state. The maps are used to relate designated uses and the applicable Standards and Criteria for each class of surface and ground water resource to a specific location.

(NEW) Section 22a-426-2 Purpose, Goals and Applicability

(a) Purpose and Goals

The purpose of the Connecticut Water Quality Standards in addition to the statutory purposes is to:

- (1) provide clear and objective statements for existing and projected water quality and the general program to improve Connecticut's water resources;
- (2) provide water quality for the protection and propagation of fish, shellfish, and wildlife and for recreation in and on the water taking into consideration their use and value for public water supplies, propagation of fish, shellfish and wildlife, recreation in and on the water and agricultural, industrial and other purposes including navigation, wherever attainable;
- (3) recognize that surface and ground water are interrelated and address the issue of competing use of ground waters for drinking and for wastewater assimilation;

- (4) ensure Connecticut's compliance with requirements of federal law requiring the promulgation of water quality standards and qualify the State and its municipalities for available federal grants for water pollution control;
- (5) establish designated uses for surface and ground waters and identify the criteria necessary to support those uses;
- (6) focus the Department's water quality management activities, including establishment of water quality based treatment controls and strategies required by 33 USC, Chapter 26;
- (7) protect the public health and welfare and promote the economic development of the State; and
- (8) be consistent with health standards as established by the Department of Public Health.

(b) Applicability

The Water Quality Standards Regulations apply to:

- (1) all Connecticut surface and ground waters, including all interstate waters or portions thereof within the State and
- (2) such other waters within the State as the Commissioner may determine necessary.

(NEW) Section 22a-426-3 Definitions As used in sections 22a-426-1 to 22a-426-9, inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Acute Toxicity" means adverse effect such as mortality or debilitation caused by a brief exposure to a toxic substance.
- (2) "Aesthetics" means the appearance, odor or other characteristics of a surface water which impact human senses and enjoyment of such surface water.
- (3) "Antidegradation Policy" means subsection (a) of section 22a-426-8 of the Regulations of Connecticut State Agencies.

- (4) “Atmospheric Deposition” means the delivery of airborne substances of both natural and human origin to land and water surfaces which can be deposited with or without rainfall.
- (5) “Benthic” means associated with the bottom of a surface water body.
- (6) “Benthic Macroinvertebrates” means animals which are large enough to be seen by the unaided eye and which can be retained by a U.S. standard No. 30 sieve (28 meshes per inch, 0.595 mm openings), and which live at least part of their life cycle within or upon submerged substrates in a body of water. These animals usually consist of the aquatic life stages of various insects and arthropods, mollusks, leeches and worms.
- (7) “Best Management Practices” 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.
- (8) “Bioaccumulation” means the uptake and retention of substances by an organism from its surrounding medium or from food.
- (9) “Bioconcentration” means the uptake and retention of substances by an organism from its surrounding medium.
- (10) “Biological Condition Gradient Model” means a descriptive model that describes how ecological attributes change in response to increasing levels of stressors.
- (11) “Biological Integrity” means the ability of an aquatic ecosystem to support and maintain a balanced, integrated, adaptive community of organisms having a species composition, diversity, and functional organization comparable to that of the natural habitats of a region.
- (12) “Biotic Community (Aquatic)” means a community or group of interacting organisms in a given water body, such as benthic macroinvertebrate and fish assemblages.
- (13) “Biotic Community Structure” means the taxonomic composition of the biotic community typically including reference to the number of organisms present and their ecological function.

- (14) "Chronic Toxicity" means an adverse effect, such as reduced reproductive success or growth or poor survival of sensitive life stages occurring as a result of exposure to a substance for a period of time related to the life span of an organism and usually longer than that which causes acute toxicity.
- (15) "Classification" means the designation of the proposed uses of surface and ground waters with alphabetic characters. Classification does not signify existing water quality.
- (16) "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.
- (17) "Coastal Waters" has the same meaning as provided in section 22a-93 of the Connecticut General Statutes.
- (18) "Commissioner" means the Commissioner of Energy and Environmental Protection or the Commissioner's designated agent as set forth in section 22a-423 of the Connecticut General Statutes.
- (19) "Criteria" means components of the Connecticut Water Quality Standards, expressed in chemical, physical, or biological parameters and their concentrations, mass loading or levels, or by narrative statements, representing a quality of water that supports a particular use.
- (20) "Department" means the Connecticut Department of Energy and Environmental Protection.
- (21) "Designated Use" means those uses specified in the Connecticut Water Quality Standards for each surface water or ground water classification, whether or not they are being attained.
- (22) "Discharge" has the same meaning as provided in section 22a-423 of the Connecticut General Statutes.
- (23) "Domestic Sewage" means wastewater which consists of water and human excretions or other waterborne wastes incidental to the occupancy of a

residential building or a non-residential building but not including manufacturing process water, cooling water, wastewater from water softening equipment, commercial laundry wastewater, blowdown from heating or cooling equipment, water from cellar or floor drains or surface water from roofs, paved surfaces, or yard drains.

- (24) “Dredging Activity” means the excavation, removal or redistribution of sediment from surface waters.
- (25) “Dredged Material” means sediment that is excavated or dredged from surface waters.
- (26) “Dredged Material Disposal Area” means an area which has been approved by the Commissioner for disposal of dredged material, including but not limited to federally designated dredged material disposal areas in Long Island Sound.
- (27) “Ecosystem Function” means the physical, chemical and biological processes that operate within an ecosystem and are essential for the continuing existence of the ecosystem.
- (28) “Effluent” means treated waste process waters or cooling waters discharged from a waste treatment or manufacturing facility.
- (29) “Endangered Species” means species listed by Connecticut Department of Energy and Environmental Protection pursuant to chapter 495 of the Connecticut General Statutes as endangered species. Known locations of endangered species, are identified on maps entitled “State and Federal Listed Species and Significant Natural Communities”, as amended. These maps are available at city or town clerk offices and in the Connecticut Department of Energy and Environmental Protection File Room located on the store level of 79 Elm Street, Hartford.
- (30) “Existing uses” means those uses actually attained in a water body on or after November 28, 1975, whether or not they are included in water quality standards as defined in 40 CFR 131.3.
- (31) “Eutrophic” means water highly enriched with plant nutrients and with high biological productivity characterized by occasional blooms of algae or extensive

areas of dense macrophyte beds.

- (32) “Fill material” means any material deposited or placed which has the effect of raising the level of the ground surface, whether such surface is above, at, or below the water table, or to replace surface waters with dry land. This term includes, but is not limited to consolidated material such as concrete and brick and unconsolidated material such as sand, gravel and stone.
- (33) “Geometric Mean” means a measure of central tendency calculated by determining the anti-log of the mean of the logarithms of the values to be averaged.
- (34) “Ground Waters” means waters flowing through earth materials beneath the ground surface.
- (35) “Ground Water of Natural Quality” means ground water which is free from pollution by solid waste, wastewater discharges, chemical spills or leaks, pesticides or other anthropogenic sources of water pollution other than acid rain.
- (36) “High Quality Waters” means surface waters where the water quality is better than necessary to meet the minimum criteria established in the Connecticut Water Quality Standards for the applicable classification and related designated uses. Factors that may be given consideration when identifying High Quality Waters include but are not limited to the current biological condition, fisheries resources and recreational uses.
- (37) “Highly Eutrophic” means water excessively enriched with plant nutrients and with high biological productivity, characterized by severe blooms of algae or extensive areas of dense macrophyte beds.
- (38) “Indicator” means a metric or combination of metrics which provides a measure or estimate of the physical, chemical or biological condition.
- (39) “Indicator bacteria” means a species or group of microbes which are used to conduct microbiological examinations of water in order to determine its sanitary quality and provide evidence of recent fecal contamination from humans or other warm blooded animals.

- (40) "Indigenous" means animal or plant life which naturally occurs in a particular geographic region.
- (41) "Invertebrates" means animals lacking a backbone.
- (42) "Marine Sanitation Device" or "MSD" means a device installed or used on watercraft for the collection, treatment or disposal of human wastes.
- (43) "Mesotrophic" means water moderately enriched with plant nutrients and with moderate biological productivity characterized by intermittent blooms of algae or small areas of macrophyte beds.
- (44) "Most Sensitive Use" means the designated use (drinking, swimming, boating, fish and aquatic life propagation, irrigation etc.) which is most susceptible to degradation by a specific pollutant.
- (45) "Moving Average" means the mean of consecutive values in a time series of a specified duration. For example, a twelve month moving average is calculated by averaging the monthly values for a parameter for the most recent twelve consecutive months; thus as time progresses and more new values are available, old values are dropped resulting in an average value which is always based on the twelve most recent consecutive monthly values.
- (46) "Native" means indigenous to an area.
- (47) "Natural" means the biological, chemical and physical conditions and communities that occur within the environment which are unaffected or minimally affected by human influences.
- (48) "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.
- (49) "Oligotrophic" means water low in plant nutrients and with low biological productivity characterized by the absence of macrophyte beds.

- (50) “Outstanding National Resource Waters” means High Quality Waters within national and state parks and wildlife refuges and waters of exceptional recreation or ecological significance, such as water bodies that are important, unique or sensitive ecologically.
- (51) “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. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.
- (52) “Recreational use” means active or passive water-related leisure activities such as fishing, swimming, boating, and aesthetic appreciation.
- (53) “Sanitary Survey” means an investigation of a particular geographic area to determine if unlawful or inadequately treated discharges of sewage or other sources of indicator bacteria are present.
- (54) “Sediments” means any natural or artificial materials which constitute all or part of the banks, bed or bottom of an intermittent or perennial surface water.
- (55) “Sensitive-rare taxa” means taxonomic groups of organisms that are sensitive to pollution and occur in low numbers in natural aquatic communities.
- (56) “Sensitive-ubiquitous taxa” means taxonomic groups of organisms that are sensitive to pollution and are typically common and abundant in natural aquatic communities.
- (57) “Sewage” has the same meaning as provided in section 22a-423 of the Connecticut General Statutes.
- (58) “Significant Natural Communities” means species listed by Connecticut Department of Energy and Environmental Protection pursuant to chapter 495 of the Connecticut General Statutes as threatened or endangered species or species of special concern. Known locations of threatened and endangered species and species of special concern, and significant natural communities are identified on maps entitled “State and Federal Listed Species and Significant

Natural Communities”, as amended. These maps are available at city or town clerk offices and in the Connecticut Department of Energy and Environmental Protection File Room located on the store level of 79 Elm Street, Hartford.

- (59) “Special Concern Species” means species listed by Connecticut Department of Energy and Environmental Protection pursuant to chapter 495 of the Connecticut General Statutes as species of special concern. Known locations of species of special concern are identified on maps entitled “State and Federal Listed Species and Significant Natural Communities”, as amended. These maps are available at city or town clerk offices and in the Connecticut Department of Energy and Environmental Protection File Room located on the store level of 79 Elm Street, Hartford.
- (60) “Surface Water” means 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, excluding ground water.
- (61) “Taxon” (pl. Taxa) means a biological classification category, usually the most specific division attainable in taxonomy.
- (62) “Technically Practicable” means with respect to ground water remediation, the greatest degree of remediation that can be achieved using sound engineering and hydrogeologic practices.
- (63) “Technology - Based Treatment” means a level and type of treatment required by 33 USC 1311(b) and 33 USC 1314(b), which is based on the particular manufacturing process used and type of waste generated.
- (64) “Threatened Species” means species listed by Connecticut Department of Energy and Environmental Protection pursuant to chapter 495 of the Connecticut General Statutes as threatened. Known locations of threatened species are identified on maps entitled “State and Federal Listed Species and Significant Natural Communities”, as amended. These maps are available at city or town clerk offices and in the Connecticut Department of Energy and Environmental Protection File Room located on the store level of 79 Elm Street, Hartford.

- (65) “Tolerant Taxa” means taxonomic groups of organisms that are resistant to a variety of pollution or habitat stressors and typically are the last survivors in severely polluted waters.
- (66) “Toxic Substance” means any substance which can adversely affect the survival, growth or reproduction of fish, other forms of aquatic life, other wildlife or humans exposed thereto either by direct contact or through consumption.
- (67) “Trophic State” means the level of biological productivity or amount of plant biomass within a water body at the time of measurement.
- (68) “Use Attainability Analysis” means a structured scientific assessment of the physical, chemical, biological, and economic factors affecting the ability of a surface water to achieve and support uses as described in 40 CFR 131.10.
- (69) “Water Quality” means the physical, chemical and biological characteristics of surface or ground waters.
- (70) “Wetlands” means wetlands as defined under sections 22a-28 and 22a-38 of the Connecticut General Statutes or as defined under the 1987 Corps of Engineers Wetland Delineation Manual, as amended.
- (71) “Zone of Influence” means an area or volume of surface water or ground water within which some degradation of water quality or inconsistency with water quality criteria is anticipated as a result of a pollutant discharge. The term zone of influence is used to describe an area impacted by thermal, conventional, or toxic pollutants and allocated in accordance with subsection (l) of section 22a-426-4 of the Regulations of Connecticut State Agencies for assimilation of such pollutants.
- (72) “Zone of Passage” means an area or volume of flow in surface water within which pollutants, including temperature will not impede or prohibit the passage of free swimming or drifting aquatic organisms.
- (73) “7Q10” or “Seven-Day, Ten Year Low Flow” means the lowest seven consecutive-day mean stream flow with a recurrence interval of ten years.

(NEW) Section 22a-426-4 Surface Waters

(a) General Standards of Surface Water Quality

- (1) It is the state's goal to restore or maintain the chemical, physical and biological integrity of surface waters. Where attainable, the level of water quality that provides for the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water shall be achieved. This standard shall be met, unless:
 - (A) a use attainability analysis prepared pursuant to subsections (g) and (j) of 40 CFR 131.10 demonstrates that the surface water has been irreparably altered to the extent that certain designated uses have been permanently lost; and
 - (B) quality criteria necessary to protect all other existing and designated uses of the surface water have been adopted by the Commissioner as a revision to the Connecticut Water Quality Standards in accordance with section 22a-426 of the Connecticut General Statutes.
- (2) Periodic re-examination of such designated use decisions shall be performed as required by 40 CFR 131.20.
- (3) Physical obstructions such as dams, which prevent fish migration for spawning and growth, shall not be considered a valid reason for failure to achieve and maintain water quality conditions necessary to support all designated uses of a surface water unless the Commissioner has approved a Use Attainability Analysis documenting that a designated use is not attainable for such surface water.
- (4) Water Quality Criteria do not apply to environmental conditions brought about by natural causes or conditions.
- (5) Surface waters and sediments shall be free from chemical constituents in concentrations or combinations which will or can reasonably be expected to result in acute or chronic toxicity to aquatic organisms or otherwise impair the biological integrity of aquatic or marine ecosystems outside of any dredged material disposal area or areas designated by the Commissioner for disposal or placement of fill materials or any zone of influence allowed by the

Commissioner, or bioconcentrate or bioaccumulate in tissues of fish, shellfish and other aquatic organisms at levels which will impair the health of aquatic organisms or wildlife or result in unacceptable tastes, odors or health risks to human consumers of aquatic organisms or wildlife unless such sediments are capped with material suitable for unconfined, open water disposal as an appropriate means of ensuring consistency with this standard as approved by the Commissioner in writing. In determining consistency with this Standard, the Commissioner shall at a minimum consider the numeric criteria listed in Table 3 of section 22a-426-9 of the Regulations of Connecticut State Agencies and any other information the Commissioner deems relevant.

- (6) Except within dredged material disposal areas or areas designated by the Commissioner for disposal or placement of fill materials, surface waters and bottom sediments shall be substantially free of pollutants that:
 - (A) unduly affect the composition of bottom fauna;
 - (B) unduly affect the physical or chemical nature of the bottom; or
 - (C) interfere with the propagation or habitats of shellfish, finfish and wildlife.
- (7) Dredged materials disposed of at a dredged material disposal area shall not result in:
 - (A) floating residues of any sort;
 - (B) release of any substance which may result in long-term or permanent degradation of water quality in surface waters overlying or adjacent to the disposal areas;
 - (C) dispersal of contaminated sediments outside a dredged material disposal area other than that occurring as a transient plume during disposal operations; or
 - (D) biological mobilization and subsequent transport of toxic substances to food chains.
- (8) The Commissioner may consider Best Management Practices including but not limited to capping the dredged material with material suitable for unconfined

open water disposal as appropriate means of ensuring consistency with subdivisions (6) or (7) of this subsection.

- (9) The Commissioner, pursuant to chapter 446k of the Connecticut General Statutes and regulations adopted thereunder, will regulate discharges to the surface waters to assure that such discharges do not cause acute or chronic toxicity to freshwater and marine aquatic life and wildlife, do not impair the biological integrity of freshwater and marine ecosystems and do not create an unacceptable risk to human health.
 - (A) In making a determination under chapter 446k of the Connecticut General Statutes as to whether a discharge will or can reasonably be expected to cause pollution of surface waters, the Commissioner shall consider the numeric criteria for the chemical constituents listed in Table 3 of section 22a-426-9 of the Regulations of Connecticut State Agencies.
 - (B) The discharge of radioactive materials to a surface water in concentrations or combinations which would be harmful to human, animal or aquatic life shall not be allowed. The applicable criteria can be found in 10 CFR 20.
 - (C) Evaluation of a discharge or discharge of dredged or fill material to wetlands shall include consideration of the manner in which such wetlands support existing and designated uses and protect and maintain downstream water quality.
 - (D) The discharge of sewage from any vessel to any water is prohibited.
 - (E) Disinfection shall be required for all treated sewage discharges to surface waters. The period of disinfection shall vary depending on the characteristics of the receiving surface water as described below:
 - (i) Continuous disinfection shall be required at all sewage treatment plants located south of Interstate Highway 95 (I-95) to protect shellfish resources.

- (ii) Disinfection shall be required from May 1 to October 1 at all sewage treatment plants located north of Interstate Highway 95 (I-95). Seasonal disinfection is intended to protect the sanitary quality of bathing waters, and minimize adverse impacts to aquatic life associated with disinfection. An alternative schedule, including continuous disinfection, may be required if found necessary by the Commissioner to protect existing or designated uses.
 - (iii) For those Class B surface waters located north of Interstate Highway 95 (I-95) and downstream of a sewage treatment plant providing seasonal disinfection as authorized by the Commissioner, criteria for indicator bacteria do not apply during periods when disinfection is not required.
- (10) Best Management Practices for control of non-point source pollutants may be required by the Commissioner on a case-by-case basis.
- (11) The Commissioner shall require Best Management Practices, including the imposition of discharge limitations or other reasonable controls on a case-by-case basis as necessary for point and nonpoint sources of phosphorus and nitrogen, including sources of atmospheric deposition, which have the potential to contribute to the impairment of any surface water, to ensure maintenance and attainment of existing and designated uses, restore impaired waters, and prevent excessive anthropogenic inputs of nutrients or impairment of downstream waters.
- (12) Such use of Best Management Practices and other reasonable controls on nonpoint sources of nutrients and sediment are preferable to the use of biocides to address a trophic state that has been altered due to excessive anthropogenic inputs.
- (13) Biological Condition criteria may be utilized where appropriate for assessment of the biological integrity of surface waters.
- (14) Surface water quality monitoring methods shall be consistent with 40 CFR 30 or other equivalent monitoring methods approved in writing by the Commissioner.

- (15) Surface waters which are not specifically classified shall be considered as Class A or Class SA.
- (16) Watercourses which are contained in drainage conduits or pipes and which are not assigned a specific class are considered to be the class of the water body segment into which they discharge.

(b) Class AA Waters and Designated Uses

- (1) Surface waters classified as Class AA are those waters shown as such on the then current map titled Water Quality Classifications on file with the Department and as amended from time to time in accordance with subsections (d) through (g) of section 22a-426 of the Connecticut General Statutes. The designated uses for Class AA waters are:
 - (A) existing or proposed drinking water supplies;
 - (B) habitat for fish and other aquatic life and wildlife;
 - (C) recreation; and
 - (D) water supply for industry and agriculture.
- (2) Surface waters identified as potential drinking water supplies in the Long Range Plan for Management of Water Resources prepared and adopted pursuant to section 22a-352 of the Connecticut General Statutes shall be designated Class AA. The Commissioner may, with the concurrence of the Commissioner of the Department of Public Health, designate other surface waters as Class AA including surface waters that:
 - (A) have been designated a proposed drinking water supply in Connecticut's Conservation and Development Policies Plan;
 - (B) have been recommended for future use as a drinking water supply in the current approved water supply plan submitted and approved pursuant to section 25-32d of the Connecticut General Statutes;
 - (C) the Commissioner has issued a Diversion Permit authorizing use as a drinking water supply; or
 - (D) have been identified in a request from a municipality for designation as a drinking water supply at a public hearing concerning water quality classifications.

(c) Class AA Allowable Discharges

- (1) Section 22a-417 of the Connecticut General Statutes imposes an absolute restriction on the discharge of sewage to Class AA reservoirs and their tributaries. The existence of a discharge to a surface water which occurs outside the State that then flows into the State shall not be considered a valid reason for either relaxing the restriction in Connecticut or changing the Class AA designation. It is a policy of the state to pursue the adoption of compatible Water Quality Standards in neighboring states to assure the protection of Connecticut drinking water supplies.
- (2) Discharges to Class AA surface waters may be permitted by the Commissioner from public or private drinking water treatment systems, dredging activity and dredge material dewatering operations, including the discharge of dredged or fill material and clean water discharges. Such discharges shall be subject to the approval of the Commissioner of Public Health. The Commissioner may authorize other discharges to Class AA surface waters provided the Commissioner finds such discharge will be of short duration and is necessary to remediate surface water or ground water pollution. Any such discharge shall be treated or controlled to a level which, in the judgment of the Commissioner, protects aquatic life and public health.

(d) Class A Waters and Designated Uses

Surface waters classified as Class A are those waters shown as such on the then current map titled Water Quality Classifications on file with the Department and as amended from time to time in accordance with subsections (d) through (g) of section 22a-426 of the Connecticut General Statutes. The designated uses for Class A waters are:

- (1) habitat for fish and other aquatic life and wildlife;
- (2) potential drinking water supplies;
- (3) recreation;
- (4) navigation; and
- (5) water supply for industry and agriculture.

(e) Class A Allowable Discharges

- (1) The Commissioner may authorize certain treated domestic sewage discharges to Class A surface waters provided the Commissioner finds that:

- (A) such discharge is deemed necessary by the Commissioner to abate ground water or surface water pollution from a domestic sewage disposal system that was in use prior to February 28, 2011;
 - (B) such discharge is treated or controlled to the maximum extent practicable in the subsurface and in all cases to a level that in the judgment of the Commissioner, in consultation with the Commissioner of Public Health, protects the environment, public health, safety and welfare;
 - (C) such discharge does not constitute a community pollution problem as defined in section 22a-423 of the Connecticut General Statutes;
 - (D) a demonstration has been made to the satisfaction of the Commissioner that no technically and economically feasible alternative exists for such discharge; and
 - (E) such discharge is not being sought in connection with a new source, new or expanded building or development, or a change to the design or use of an existing building or development, which change results in, or as designed may result in, an increase in:
 - (i) the occupancy of such building or development or
 - (ii) the discharge from such building or development.
- (2) The Commissioner may require such discharge to be eliminated should future conditions provide a technically or economically feasible alternative to authorizing such discharge.
 - (3) Discharges to Class A surface waters may be permitted by the Commissioner from public or private drinking water treatment systems, dredging activity and dredge material dewatering operations, including the discharge of dredged or fill material and clean water discharges. The Commissioner may authorize other discharges to Class A surface waters provided the Commissioner finds such discharge will be of short duration and is necessary to remediate surface water or ground water pollution. Any such discharge shall be treated or controlled to a level which, in the judgment of the Commissioner, protects aquatic life and public health.

(f) Class SA Waters and Designated Uses

Surface waters classified as Class SA are those waters shown as such on the then current map titled Water Quality Classifications on file with the department and as amended from time to time in accordance with subsections (d) through (g) of section 22a-426 of the Connecticut General Statutes. The designated uses for Class SA waters are:

- (1) habitat for marine fish, other aquatic life and wildlife;
- (2) shellfish harvesting for direct human consumption;
- (3) recreation;
- (4) industrial water supply; and
- (5) navigation

(g) Class SA Allowable Discharges

- (1) The Commissioner may authorize certain treated domestic sewage discharges to Class SA surface waters provided the Commissioner finds that:
 - (A) such discharge is deemed necessary by the Commissioner to abate ground water or surface water pollution from a domestic sewage disposal system that was in use prior to February 28, 2011;
 - (B) such discharge is treated or controlled to the maximum extent practicable in the subsurface and in all cases to a level that in the judgment of the Commissioner, in consultation with the Commissioner of Public Health, protects the environment, public health, safety and welfare;
 - (C) such discharge does not constitute a community pollution problem as defined in section 22a-423 of the Connecticut General Statutes;
 - (D) a demonstration has been made to the satisfaction of the Commissioner that no technically and economically feasible alternative exists for such discharge; and
 - (E) such discharge is not being sought in connection with a new source, new or expanded building or development, or a change to the design or use of

an existing building or development, which change results in, or as designed may result in, an increase in:

- (i) the occupancy of such building or development or
 - (ii) the discharge from such building or development.
- (2) The Commissioner may require such discharge to be eliminated should future conditions provide a technically or economically feasible alternative to authorizing such discharge.
- (3) Discharges to Class SA surface waters may be permitted by the Commissioner from public or private drinking water treatment systems, dredging activity and dredge material dewatering operations, including the discharge of dredged or fill material and clean water discharges. The Commissioner may authorize other discharges to Class SA surface waters provided the Commissioner finds such discharge will be of short duration and is necessary to remediate surface water or ground water pollution. Any such discharge shall be treated or controlled to a level which in the judgment of the Commissioner protects aquatic life and public health.

(h) Class B Waters and Designated Uses

Surface waters classified as Class B are those waters shown as such on the then current map titled Water Quality Classifications on file with the department and as amended from time to time in accordance with subsections (d) through (g) of section 22a-426 of the Connecticut General Statutes. The designated uses for Class B waters are:

- (1) habitat for fish and other aquatic life and wildlife;
- (2) recreation;
- (3) navigation; and
- (4) industrial and agricultural water supply.

(i) Class B Allowable Discharges

- (1) Discharges may be permitted for all those allowed in Class AA, A and SA surface waters, cooling water discharges, discharges from municipal and industrial wastewater treatment systems and other discharges subject to the provisions of Section 22a-430 of the Connecticut General Statutes.

- (2) Class B* is a subset of Class B waters applicable to Candlewood Lake and is identical in all ways to the designated uses, criteria, and standards for Class B waters except no direct wastewater discharges are allowed other than those consistent with Class AA, A and SA surface waters.

(j) Class SB Waters and Designated Uses

Surface waters classified as Class SB are those waters shown as such on the then current map titled Water Quality Classifications on file with the department and as amended from time to time in accordance with subsections (d) through (g) of section 22a-426 of the Connecticut General Statutes. The designated uses for Class SB waters are:

- (1) habitat for marine fish, other aquatic life and wildlife;
- (2) commercial shellfish harvesting;
- (3) recreation;
- (4) industrial water supply; and
- (5) navigation.

(k) Class SB Allowable Discharges

Discharges may be permitted for all those allowed in Class AA, A and SA surface waters, cooling water discharges, discharges from municipal and industrial wastewater treatment systems and other discharges subject to the provisions of section 22a-430 of the Connecticut General Statutes.

(l) Zone of Influence

- (1) The Commissioner may, on a case-by-case basis, establish zones of influence when authorizing discharges to surface waters under sections 22a-430 and 22a-133(k) of the Connecticut General Statutes in order to allocate a portion of the receiving surface waters for mixing and assimilation of the discharge. In establishing a zone of influence the Commissioner shall consider without limitation:
 - (A) the characteristics of the discharge, such as its volume, strength, temperature and the persistence of any substances in the discharge, potential bioaccumulation or bioconcentration of these substances in aquatic organisms, and the potential for any substances, either singly or in combination with other substances present in the discharge or

receiving surface water body to result in an unacceptable risk to human health or the environment;

- (B) an allowance for a continuous zone of passage for free swimming and drifting organisms;
- (C) the effect of the discharge on spawning grounds or nursery areas of sensitive aquatic organisms or areas utilized by aquatic organisms for shelter and living space;
- (D) the effect of the discharge on the aesthetic quality of the receiving water including but not limited to the potential to cause objectionable deposits, floating debris, oil, scum, and other materials that form nuisances or produce objectionable color, odor, taste, or turbidity, or that may attract undesirable aquatic life or wildlife, or result in the dominance of nuisance species;
- (E) the location of other discharges in the receiving surface water body to insure that the cumulative effect of adjacent zones of influence will not significantly reduce the environmental value or preclude any existing or designated uses of the receiving surface water.

(2) Assessment of environmental value will be based on the characteristics of the receiving surface water including but not limited to:

- (A) type of water body;
- (B) velocity;
- (C) depth;
- (D) number and type of aquatic habitats;
- (E) migration patterns;
- (F) nature of the food chain;
- (G) level of productivity;
- (H) water temperature;
- (I) condition of associated biological communities;
- (J) ability of tributaries to provide biological recruitment;
- (K) presence of endangered species; and
- (L) value to human uses (such as aesthetic, commercial, sport fishing and recreational uses).

- (3) Unless otherwise indicated in sections 22a-426-2 through 22a-426-9 of the Regulation of Connecticut State Agencies, the applicable water quality criteria apply outside the zone of influence for a discharge.
- (4) The zone of influence shall be limited to the maximum extent possible.
- (5) Establishment of a zone of influence shall not preclude attainment of any existing or designated uses of the receiving surface waters.
- (6) The area and volume of receiving water allocated to zones of influence shall be determined based on the unique physical, chemical and biological characteristics of the receiving surface water body.
- (7) The Commissioner may require applicants to provide information on receiving surface water and wastewater characteristics including the volume of flow and area required for mixing and assimilation of waste.
- (8) Unless otherwise approved by the Commissioner, the zone of influence for assimilation of a thermal discharge shall be no greater than 25% of the cross-sectional area or volume of flow of the receiving water.

(m) Critical Low Flow

- (1) The 7Q10 is the minimum flow to which the Connecticut Water Quality Standards for surface waters apply, except when a surface water is regulated by dams or water withdrawals sanctioned by law to result in flows below that level. In such cases the Connecticut Water Quality Standards apply to that low flow determined by section 26-141a-1, et seq. of the Regulations of Connecticut State Agencies; sections 22a-365 through 22a-378a of the Connecticut General Statutes; or 16 USC 791a et seq.).
- (2) Maintaining a long-term flow of 7Q10 or less may result in significant stress on the physical and biological quality of surface waters. In those surface waters at, near or below the naturally occurring 7Q10 flow, more stringent Water Quality Criteria may be required to achieve and maintain existing and designated uses.
- (3) The Commissioner may approve discharge limitations based on minimum average daily flow in excess of 7Q10 conditions, provided the Commissioner is satisfied that special measures will be implemented during low flow conditions which provide protection to the environment at least as effective as that

protection which would pertain if limitations were based solely on 7Q10 conditions.

- (4) Surface waters which are influenced by tidal forces or which experience short-term variation in flow due to periodic or irregular water release from upstream diversions or other causes may require special consideration by the Commissioner when establishing a zone of influence or issuing discharge permits under the provisions of section 22a-430 of the Connecticut General Statutes in order to protect existing and designated uses, including consideration of the minimum flow to which the Connecticut Water Quality Standards apply. Low flow in a tidal water body shall be evaluated under low tide conditions unless another low flow regime is demonstrated to the Commissioner's satisfaction to be protective of water quality and aquatic resources.

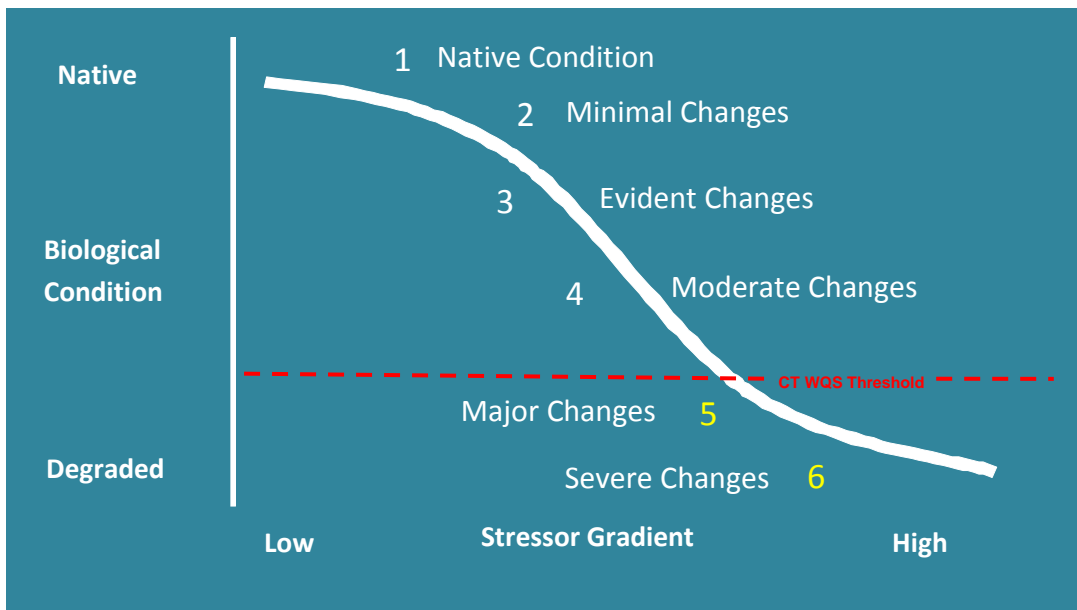
(n) Surface Water Reclassification

Any person or municipality requesting a change in surface Water Quality Classification shall demonstrate to the Commissioner that the proposed new Classification is consistent with all existing or designated uses made of, or presently possible in, such surface waters. Any such change in a Water Quality Classification shall be subject to the public participation and the application requirements set forth in subsections (d) through (g) of section 22a-426 of the Connecticut General Statutes. The Commissioner will not approve a reclassification which is not consistent with subsections (c)(2) and (c)(3) of section 22a-426-8 of the Regulations of Connecticut State Agencies.

(NEW) Section 22a-426-5 Biological Condition Gradient Model

- (a) The Biological Condition Gradient Model is a model that describes how ecological attributes change in response to increasing levels of stressors. In accordance with the Biological Condition Gradient Model, as the level of stress gets progressively greater, the biological communities, which start out in a natural condition, begin to change as they respond to the stress.

CONNECTICUT BIOLOGICAL CONDITION GRADIENT MODEL



(b) The ecological attribute changes are categorized into tiers, as follows:

- (1) Tier 1 - Native condition is such that the native structural, functional and taxonomic integrity is preserved; ecosystem function is preserved within the range of natural variability.
- (2) Tier 2 - Minimal changes in the structure of the biotic community and minimal changes in ecosystem function are such that virtually all native taxa are maintained with some changes in biomass or abundance; ecosystem functions are fully maintained within the range of natural variability.
- (3) Tier 3 - Evident changes in structure of the biotic community and minimal changes in ecosystem function due to loss of some sensitive-rare taxa; shifts in relative abundance of taxa but sensitive-ubiquitous taxa are common and abundant; ecosystem functions are fully maintained through redundant attributes of the system.
- (4) Tier 4 - Moderate changes in structure of the biotic community with minimal changes in ecosystem function due to replacement of some sensitive-ubiquitous taxa by more

tolerant taxa, but reproducing populations of some sensitive taxa are maintained; overall balanced distribution of all expected major groups; ecosystem functions largely maintained through redundant attributes.

- (5) Tier 5 - Major changes in structure of the biotic community and moderate changes in ecosystem function are such that the sensitive taxa are markedly diminished; conspicuously unbalanced distribution of major groups from that expected; organism condition shows signs of physiological stress; ecosystem function shows reduced complexity and redundancy; increased build-up or export of unused materials.
- (6) Tier 6 - Severe changes in structure of the biotic community and major loss of ecosystem function are such that there are extreme changes in structure; wholesale changes in taxonomic composition; extreme alterations from normal densities and distributions; organism condition is often poor; ecosystem functions are severely altered.

(NEW) Section 22a-426-6 Lake Trophic Categories

- (a) The ranges of Total Phosphorus, Total Nitrogen, Chlorophyll-a, and Secchi Disk Transparency appearing in the table below shall be assessed collectively to determine the trophic state of a lake. In addition to water column data, the trophic state of a lake shall be determined by the percentage of the surface area covered by macrophytes in accordance with subsection (b) of this section. For the purpose of determining consistency with the Connecticut Water Quality Standards, the natural trophic state of a lake shall be compared with the current trophic state to determine if the trophic state of the lake has been altered due to excessive anthropogenic inputs. Lakes in advanced trophic states which exceed their natural trophic state due to anthropogenic sources shall be considered to be inconsistent with the Connecticut Water Quality Standards.

Trophic State Based on Water Column Data	Parameters	Defining Range
Oligotrophic	Total Phosphorus	0-10 ug/l spring and summer
	Total Nitrogen	0-200 ug/l spring and summer
	Chlorophyll-a	0-2 ug/l mid-summer
	Secchi Disk Transparency	6 + meters mid-summer
Mesotrophic	Total Phosphorus	10-30 ug/l spring and summer
	Total Nitrogen	200-600 ug/l spring and summer
	Chlorophyll-a	2-15 ug/l mid-summer
	Secchi Disk Transparency	2-6 meters mid-summer
Eutrophic	Total Phosphorus	30-50 ug/l spring and summer
	Total Nitrogen	600-1000 ug/l spring and summer
	Chlorophyll-a	15-30- ug/l mid-summer
	Secchi Disk Transparency	1-2 meters mid-summer
Highly Eutrophic	Total Phosphorus	50 + ug/l spring and summer
	Total Nitrogen	1000 + ug/l spring and summer
	Chlorophyll-a	30 + ug/L mid-summer
	Secchi Disk Transparency	0-1 meters mid-summer

(b) Aquatic Macrophytes

- (1) Macrophytes are aquatic plants large enough to be seen without magnification. Macrophyte distribution and abundance data shall be reviewed in conjunction with the water column data to determine the trophic states of lakes or ponds.
- (2) If macrophyte growth is very extensive (75 - 100% of water body area) and dense, the trophic state of a lake or pond shall be considered "highly eutrophic" regardless of the water column data.
- (3) If macrophyte growth is extensive (30 - 75% of water body area) and dense, the trophic state shall be considered "mesotrophic" when the water column

indication is oligotrophic, and the trophic state shall be considered "eutrophic" when the water column indication is mesotrophic or eutrophic.

(NEW) Section 22a-426-7 Ground Waters

(a) General Ground Water Standards and Policies

- (1) The policy of the Department for areas classified as GAA, GAAs, or GA shall be to maintain or restore all ground water in such areas to its natural quality.
- (2) Notwithstanding subparagraph (1) of this subsection, if the Commissioner determines that, with respect to a particular pollutant, restoring or maintaining natural quality at a GAA, GAAs, or GA level is not technically practicable, the Department's policy shall be to:
 - (A) maintain or restore water quality such that the ground water is suitable for drinking and other domestic uses without treatment;
 - (B) maintain or restore water quality such that the ground water will not adversely affect surface water quality or prevent the maintenance or attainment of any designated uses of surface waters to which that ground water discharges;
 - (C) eliminate sources of pollution to such ground water to the extent that the Commissioner determines to be technically practicable; and
 - (D) regulate discharges to such ground water so as to prevent pollution.
- (3) Ground water is deemed suitable for drinking and other domestic uses without treatment when no pollutant in such ground water:
 - (A) exceeds a level which the Commissioner of Public Health has determined, pursuant to section 22a-471 of the Connecticut General Statutes, creates or reasonably can be expected to create an unacceptable risk of injury to the health or safety of persons using such ground water for drinking or other personal or domestic use;

- (B) is a carcinogen present at a concentration associated with a 1×10^{-6} excess cancer risk;
- (C) is a non-carcinogen present at a level exceeding that to which the human population, including sensitive subgroups, can be exposed on a daily basis without appreciable risk of adverse health effects during a lifetime; or
- (D) exceeds a level which the Commissioner determines, in consultation with the Commissioner of Public Health, renders the ground water so aesthetically impaired that a person cannot reasonably be expected to consume or otherwise use it.

(4) The policy of the Department in areas classified as GB shall be:

- (A) to eliminate or reduce in ground water any pollutant which presents a hazard of fire, explosion, or toxic or hazardous emission to the environment or otherwise poses a threat to public safety or an unacceptable risk to public health;
- (B) to maintain water quality such that ground water will not adversely affect the quality of surface waters to which such ground water discharges or prevent the maintenance or attainment of any designated or existing uses of such surface waters;
- (C) to maintain water quality consistent with all designated and existing uses of the ground water, including its use for drinking without treatment provided such ground water has been utilized, and continues to be utilized, for drinking water; and
- (D) to regulate discharges to the ground water in order to prevent further degradation of ground water quality.

(5) The policy of the Department In areas classified as GC shall be:

- (A) to eliminate or reduce in the ground water any pollutant which presents a hazard of fire, explosion, or toxic or hazardous emission to the air or otherwise poses a threat to public safety or an unacceptable threat to public health;
- (B) to maintain the ground water at a quality that will not adversely affect the quality of surface waters to which such ground water

discharges or prevent the maintenance or attainment of any designated or existing uses of such surface waters; and

- (C) to limit the impacts of waste discharges on ground water quality to those which, despite the use of treatment technology, cannot be avoided and which result from a discharge which is authorized by a permit under section 22a-430 of the Connecticut General Statutes.

(6) Antidegradation Standards

- (A) With respect to ground water whose quality is actually higher than that reflected by the assigned classification, such ground water should be maintained at its existing high quality. To maintain such quality, the Commissioner may require that:
 - (i) a new, increased, or otherwise modified discharge to such ground water shall be given treatment such that, notwithstanding such classification, the actual higher quality is maintained; and
 - (ii) if there is an unpermitted release of pollutants to ground water which is classified GB but whose quality is actually GA or GAA, such ground water shall be remediated to the standards for Class GA or GAA.
- (B) The Department's classification of ground water, whether as GB, GC, or otherwise, conveys no right to degrade that ground water or to utilize less effective treatment measures than those utilized for discharges to ground water designated for use as potable water. Domestic sewage shall be given the same treatment regardless of the classification of the ground water to which such sewage is discharged.

- (7) The Commissioner may issue a permit authorizing a discharge of material to ground water, even if such discharge would be inconsistent with subsections (c)(1), (c)(2), (e), or (g) of this section, provided such discharge otherwise conforms with all applicable legal requirements and standards, is necessary to remediate ground water pollution, and is treated or managed such that, to the maximum extent practicable, the

discharge does not impair public health or the environment.

(b) Class GAA and GAAs Ground Waters and Designated Uses

- (1) Class GAA and GAAs ground waters are those ground waters designated as such on the then current map titled Water Quality Classifications on file with the Department and as amended from time to time in accordance with subsections (d) through (g) of section 22a-426 of the Connecticut General Statutes. The designated uses for GAA and GAAs classified ground waters are:
 - (A) existing or potential public supply of water suitable for drinking without treatment; and
 - (B) baseflow for hydraulically-connected surface water bodies.
- (2) Ground water classified as GAA is ground water used or which may be used for:
 - (A) public supplies of water suitable for drinking without treatment;
 - (B) ground water in the area that contributes to a public drinking water supply well; and
 - (C) ground water in areas that have been designated as a future water supply in an individual water utility supply plan pursuant to Connecticut General Statutes Section 25-32d or in the Area wide Supplement prepared by a Water Utility Coordinating Committee pursuant to Connecticut General Statutes Sections 25-32d and 25-33h.
- (3) Ground water classified as GAAs is ground water that is tributary to a public water supply reservoir.

(c) Class GAA and GAAs Allowable Discharges

- (1) GAA: The Commissioner does not issue permits authorizing a discharge to class GAA ground water unless such discharge is of treated domestic sewage as defined in section 22a-430-1 of the Regulations of Connecticut State Agencies, waste generated by certain agricultural practices, certain water treatment waste waters from public water supply treatment systems, or certain minor cooling waters or clean waters. If a GAA area is within an Aquifer Protection Area designated in accordance with section 22a-354d of the Connecticut General Statutes, the Commissioner does

not issue permits authorizing a ground water discharge that conflicts with any regulation adopted pursuant to section 22a-354i of the Connecticut General Statutes.

- (2) GAAs: The Commissioner does not issue permits authorizing a discharge to class GAAs ground water unless such discharge is of treated domestic sewage as defined in section 22a-430-1 of the Regulations of Connecticut State Agencies, waste generated by certain agricultural practices, certain water treatment waste waters from public water supply treatment systems, or certain minor cooling waters or clean waters. If a GAAs area is within an Aquifer Protection Area designated in accordance with section 22a-354d of the Connecticut General Statutes, the Commissioner does not issue permits authorizing a ground water discharge that conflicts with any regulation adopted pursuant to section 22a-354i of the Connecticut General Statutes.

(d) Class GA Ground Waters and Designated Uses

- (1) Class GA ground waters are those ground waters designated as such on the then current map titled Water Quality Classifications on file with the Department and as amended from time to time in accordance with subsections (d) through (g) of section 22a-426 of the Connecticut General Statutes. The designated uses for class GA ground waters are:
 - (A) existing private and potential public or private supplies of water suitable for drinking without treatment; and
 - (B) baseflow for hydraulically-connected surface water bodies.
- (2) Ground water classified as GA is ground water within the area of existing private water supply wells or an area with the potential to provide water to public or private water supply wells. The Department presumes that ground water in such an area is, at a minimum, suitable for drinking or other domestic uses without treatment.

(e) Class GA Allowable Discharges

The Commissioner does not issue permits authorizing a discharge to class GA ground water unless such discharge is allowed under subsection (c)(1) of this section or is a discharge from a septage treatment system or of

other wastes that are predominantly human, plant, or animal in origin so long as any such wastes are of natural origin, easily biodegradable and, if properly managed, pose no threat of pollution to the ground water. The ground water plume generated by a discharge from a septage treatment system must terminate in a stream with classification of B or SB unless the permittee treats the discharge in a manner which the Commissioner determines is adequate to maintain class A water in the receiving stream.

(f) Class GB Ground Waters and Designated Uses

(1) Class GB ground waters are those ground waters designated as such on the then current map titled Water Quality Classifications on file with the Department and as amended from time to time in accordance with subsections (d) through (g) of section 22a-426 of the Connecticut General Statutes. The designated uses for class GB ground waters are:

(A) Industrial process water and cooling waters;

(B) baseflow for hydraulically-connected surface water bodies; and

(C) presumed not suitable for human consumption without treatment.

(2) Ground water classified as GB is ground water within a historically highly urbanized area or an area of intense industrial activity and where public water supply service is available. Such ground water may not be suitable for human consumption without treatment due to waste discharges, spills or leaks of chemicals or land use impacts.

(g) Class GB Allowable Discharges

The Commissioner may issue permits authorizing a waste discharge to class GB ground water if such discharge would be allowable in a GA area under subsection (e) of this section or if such discharge meets all of the following criteria:

(A) the Commissioner has determined that such waste is generated by a source which is unlikely to produce persistent pollutants or pollutants that do not biodegrade in soil;

- (B) the waste will be treated as necessary to render it amenable to attenuation by the receiving soil so that the ground water will not be impaired; and
- (C) such discharge otherwise conforms with all applicable legal requirements and standards.

(h) Class GC Ground Waters and Designated Uses

- (1) Class GC ground waters are those ground waters designated as such on the then current map titled Water Quality Classifications on file with the Department and as amended from time to time in accordance with subsections (d) through (g) of section 22a-426 of the Connecticut General Statutes. The designated use for class GC ground water is assimilation of discharges authorized by the Commissioner pursuant to section 22a-430 of the Connecticut General Statutes.
- (2) Ground water classified as GC is ground water to which the Commissioner has authorized a discharge under section 22a-430 of the Connecticut General Statutes.
- (3) Ground waters classified as GC are not suitable for development of public supplies of potable water.

(i) Class GC Allowable Discharges

The Commissioner may issue permits authorizing a discharge to class GC ground water of any material, provided such discharge otherwise conforms with all applicable legal requirements and standards.

(j) Zones of Influence

The Commissioner may establish zones of influence when, in the course of permitting discharges to the ground water under section 22a-430 of the Connecticut General Statutes, the Commissioner allocates ground water and soil resources for the treatment of pollutants. Within that zone of influence the permittee under section 22a-430 of the Connecticut General Statutes will be allowed to degrade the ground water such that it may not meet the standards for the assigned classification or be suitable for uses designated under such classification.

- (1) For a subsurface sewage disposal system permitted under authority delegated pursuant to section 22a-430-1 of the Regulations of Connecticut State Agencies to the Commissioner of Public Health, the zone of influence shall be that area required by the minimum separating distances established in section 19-13-B103d of the Regulations of Connecticut State Agencies.
- (2) For discharges to ground water of treated domestic sewage other than discharges of domestic sewage identified in subdivision (1) of this subsection, agricultural wastes, and storm water, the zone of influence shall be the area in which such discharge causes the ground water to be a) altered in quality from its natural condition, or b) lowered in quality from that which is suitable for drinking and other domestic uses without treatment. The Commissioner may require the applicant for a permit under section 22a-430 of the Connecticut General Statutes to submit for the Commissioner's approval an engineering plan showing the areal extent of any such zone of influence.
- (3) The applicant for a permit under section 22a-430 of the Connecticut General Statutes authorizing a discharge other than a discharge of treated domestic sewage, agricultural waste, or storm water shall delineate the zone of influence associated with the proposed discharge. Such zone of influence shall include all areas beneath which the ground water which is or may be affected in quality by such discharge. The Commissioner may require that such zone of influence extend to a receiving water body with a classification of B or SB.
- (4) The Commissioner may require the applicant for a permit under section 22a-430 of the Connecticut General Statutes to demonstrate that the applicant has acquired rights to the zone of influence of the proposed discharge. Acquisition of such rights means that the applicant owns the land overlying such zone, has obtained an easement with respect to such land and has recorded such easement in the applicable Town Clerk's office, or otherwise controls such zone to the Commissioner's satisfaction. Any such easement or other control mechanism shall:
 - (A) provide the applicant with the exclusive right to use the ground water in such zone and such right to enter the land overlying such

zone as the Commissioner deems necessary to accommodate monitoring or remediation; and

- (B) assure that the ground water within such zone will not be used for potable water supply.
- (5) The delineation by a permit applicant under section 22a-430 of the Connecticut General Statutes of the zone of influence of a proposed waste discharge indicates that the underlying ground water may not be suitable for human consumption or other uses. Installation of a withdrawal well in or near such a zone of influence may result in an induced flow of polluted ground water to such well. When reviewing an application to withdraw ground water pursuant to sections 22a-365 through 22a-378a of the Connecticut General Statutes the Commissioner considers the potential impacts on water quality attributable to induced flow of polluted water from a zone of influence associated with a waste discharge.

(k) Ground Water Reclassification

- (1) The Commissioner may raise the ground water classification of any area if he finds that such ground water meets the standards for the higher classification.
- (2) The Commissioner may consider an application to lower a ground water Classification to GB.
 - (A) Such application shall be subject to the public participation requirements of section 22a-426 of the Connecticut General Statutes and shall:
 - (i) describe the nature and extent and date of commencement of pollution of the ground water proposed to be reclassified;
 - (ii) identify all sources of drinking water in the area whose ground water is proposed to be reclassified and identify all existing uses of ground water within and down gradient of such area;

- (iii) assess the potential of the subject area to produce ground water in an amount suitable for a public water supply;
 - (iv) describe all past and present land uses in the subject area with dates; and
 - (v) provide such other information the Commissioner may reasonably require to determine the most appropriate ground water classification.
- (B) A ground water classification shall not be lowered to GB unless the applicant has satisfactorily demonstrated that:
- (i) any person within or down gradient of the area to be reclassified extending to an area previously classified as GB or to a surface water body to which the ground water discharges will be provided with an adequate public water supply;
 - (ii) lowering of a ground water classification will not prevent attainment of adjacent surface water quality goals or present unacceptable health risks; and
 - (iii) any of the following:
 - (I) that the ground water to be reclassified is polluted as a result of intense urban, commercial, or industrial development which occurred prior to 1981, and the hydrologic conditions of the subject area are not suitable for the development of a significant public water supply; or
 - (II) that the ground water proposed to be reclassified is polluted and remediation of such ground water to a quality suitable for drinking without treatment is not technically practicable; or
 - (III) that there is an overriding social or economic justification for reclassifying the ground water to GB and the proposed reclassification is supported by the affected municipality or municipalities, as

affirmed, in writing, by the chief executive officer(s) of the municipality or municipalities. For the purpose of this subdivision an “affected municipality” is one in which ground water classifications are to be altered; “social justification” means a specific social need of the affected municipality or the state and “economic justification” means avoidance of an economic impact that would substantially impair or otherwise detrimentally affect the economy of the community or the state. The applicant must also demonstrate that the purposes for the reclassification will not result in development that is inconsistent with the State Policies Plan for Conservation and Development as adopted pursuant to section 16a-30 of the Connecticut General Statutes.

- (3) The Commissioner may consider an application to lower a ground water classification to GC. Any such application shall be subject to the public participation requirements of Section 22a-426 of the Connecticut General Statutes and:
 - (A) Such application shall be accompanied by a completed application under section 22a-430 of the Connecticut General Statutes for a permit to discharge leachate from a solid waste land disposal facility to the subject ground water.
 - (B) A ground water classification shall not be lowered to GC unless the applicant has satisfactorily demonstrated in its application that:
 - (i) there is an overriding social or economic justification for reclassifying the ground water to GC and the affected municipality or municipalities have been notified of the proposed reclassification;

- (ii) the ground water proposed to be reclassified is not suitable for development of a significant public water supply and is suitable for waste treatment;
- (iii) the subject area is adjacent to and hydraulically connected with a surface water body classified B or SB; and
- (iv) the applicant has delineated the zone of influence of the ground water proposed to be reclassified as extending from the proposed solid waste land disposal facility to the receiving surface water body, and the applicant owns the land overlying such zone of influence, or has an easement with respect to such land which easement is properly recorded and provides protections, as described in subdivisions (2)(A) and (2)(B) of subsection (j) of this section, or otherwise controls the zone of influence to the satisfaction of the Commissioner.

(NEW) Section 22a-426-8 Antidegradation Standards and Antidegradation Implementation Policies

(a) Antidegradation Standards

- (1) Existing and designated uses such as propagation of fish, shellfish and wildlife, recreation, public water supply, and agriculture, industrial use and navigation, and the water quality necessary for their protection are to be maintained and protected.
- (2) Surface waters with an existing quality better than the criteria established in the Connecticut Water Quality Standards shall be maintained at their existing high quality, unless the Commissioner finds, after adequate opportunity for intergovernmental review and public participation, that allowing lower water quality is necessary to accommodate overriding economic or social benefits to the State and to the area in which the surface water is located, and that existing and designated uses will be fully protected.
- (3) For all new and existing discharges to high quality surface waters the Commissioner shall, at a minimum, require applicants to meet the highest applicable standards of performance promulgated pursuant to

the 33 USC, Chapter 26 and the Connecticut General Statutes, and may require additional treatment measures if deemed necessary to prevent pollution and maintain high water quality. The Commissioner shall also require the use of appropriate Best Management Practices for control of discharges and activities to high quality surface waters.

- (4) If the Commissioner designates a high quality surface water as an Outstanding National Resource Water pursuant to 40 CFR 131.12(a) the high water quality shall be maintained and protected. The lowering of water quality is prohibited for such surface waters except where activities limited in time and scope will result in only temporary and insignificant changes in water quality and the activities will not result in water quality less than necessary to protect existing and designated uses.

(b) Antidegradation Implementation Policies

- (1) The procedures for review outlined in this policy apply to any discharge or activity that is affecting or may affect water quality in Connecticut, including but not limited to any existing, new or increased activity or discharge requiring a permit, water quality certificate or authorization pursuant to chapters 439, 440, 445 or 446i through k of the Connecticut General Statutes. Such discharges or activities include, but are not limited to point sources, contaminated ground water plumes, nonpoint sources (including atmospheric deposition), and dredging activity or discharge of dredged or fill materials to surface waters or any activity or discharge generated by the construction, operation or maintenance of facilities or requiring State authorization in accordance with 16 USC 1456.
- (2) A discharge or activity is considered an increased discharge or activity if:
 - (A) A pollutant would be released as a result of the discharge or activity at an increased concentration or mass which may lower water quality;
 - (B) The discharge or activity would result in a increased biological, chemical or physical stress on the waterbody; or

- (C) The area or volume of receiving water flow of a previously allocated zone of influence established and approved by the Commissioner for a discharge or activity would be increased to accommodate the discharge or activity.
- (3) A discharge or activity which does not have a permit, water quality certificate or authorization from the Commissioner shall be deemed a new discharge or activity.
- (c) The Commissioner shall not issue any permit, water quality certificate or authorization for a discharge or activity unless the Commissioner finds that all existing and designated uses as defined in section 22a-426-3 of the Regulations of Connecticut State Agencies will be fully protected and the discharge or activity is consistent with the designated uses established in the Connecticut Water Quality Standards for the class of water affected by the discharge or activity, any duly adopted Total Maximum Daily Load analysis and this section.
- (d) In those cases where a thermal discharge is involved, the antidegradation evaluation and implementation shall be consistent with 33 USC 1326.
- (e) Implementation of the antidegradation policy shall follow a tiered approach pursuant to 40 CFR 131.12 and consistent with the subsection (a) of this section. For the purposes of implementing the requirements of subsection (a) of this section, the following review tiers are established for the applicable waters as identified in the following table:

Category of Water	Tier of Antidegradation Review	Discharge or Activity
All Waters	Tier 1	All
High Quality Waters & Wetlands	Tier 1 and Tier 2	New or Increased
Outstanding National Resource Waters	Tier 1 and Tier 3	New or Increased

(f) Tier 1 Antidegradation Evaluation and Implementation Review

The Commissioner shall determine whether the discharge or activity is consistent with the maintenance, restoration, and protection of existing and designated uses assigned to the receiving water body by considering all relevant available data and the best professional judgment of Department staff. All narrative and numeric water quality standards, criteria and associated policies contained in the Connecticut Water Quality Standards shall form the basis for such evaluation considering the discharge or activity both independently and in the context of other discharges and activities in the affected water body and considering any impairment listed pursuant to 33 USC 1313(d) or any Total Maximum Daily Load (TMDL) established for the water body.

(g) Tier 2 Antidegradation Evaluation and Implementation Review

(1) The Commissioner shall determine whether the new or increased discharge or activity will result in a significant lowering of water quality in a high quality water or any wetland by utilizing all relevant available data and the best professional judgment of Department staff and considering the discharge or activity both independently and in the context of other discharges and activities in the affected water body and considering any Total Maximum Daily Load (TMDL) established for the water body. The Commissioner may determine only under the following circumstances that a proposed new or increased discharge or activity would not reasonably be expected to significantly lower water quality in high quality waters or wetlands:

- (A) The discharge or activity is temporary, occurring over a period of days or months, not years;
- (B) Water quality in the receiving water will be equal to or better than that which existed prior to commencement of the discharge or activity; or
- (C) For new or increased discharges or activities resulting from stormwater the first inch of rainfall is not discharged to a surface water body and Best Management Practices deemed necessary to protect and maintain designated uses and meet State Standards and Criteria are implemented.

- (2) If the Commissioner, after evaluation of the new or increased discharge or activity, determines that such discharge or activity will significantly lower water quality in a high quality water or wetland, the Commissioner shall not issue a permit, certificate or authorization unless the Commissioner finds that:
 - (A) There is no technically or economically feasible alternative to the discharge or activity; and
 - (B) Allowing lower water quality is necessary to accommodate overriding economic or social development in the state and in the area in which the receiving water is located which the Commissioner has determined is clearly in the public interest.
- (3) The Commissioner shall ensure that, notwithstanding a lowering of water quality, existing and designated uses will be fully protected and that the highest statutory and regulatory requirements will be achieved for all new and existing point source discharges and cost-effective and reasonable best management practices for nonpoint source and stormwater controls will be implemented consistent with subsection (a)(3) of this section.
- (4) The applicant for a new or increased discharge or activity that would result in a significant lowering of water quality in a receiving surface water shall demonstrate to the Commissioner's satisfaction that appropriate alternatives have been adequately considered by performing an alternatives analysis. The alternatives analysis shall include but not be limited to:
 - (A) alternative locations for the proposed discharge or activity;
 - (B) reduction in scale of the proposed discharge or activity;
 - (C) pollution prevention measures which could eliminate or minimize the effects of the proposed discharge or activity;
 - (D) water use or recycle measures which could eliminate or minimize the effects of the discharge or activity;
 - (E) process changes or alternative technology which could minimize the effects of the proposed discharge or activity;

- (F) improved operation and maintenance of existing facilities in order to minimize the effects of the proposed discharge or activity;
 - (G) alternative methods of treatment and advanced treatment beyond applicable technology requirements of 33 USC, Chapter 26;
 - (H) improved best management practices to reduce or minimize stormwater or nonpoint source pollution; and
 - (I) any other alternative required by the Commissioner to minimize the effects of the proposed discharge or activity.
- (5) Evaluation of Alternatives
- (A) If an alternative to the new or increased discharge or activity is identified that would not significantly lower water quality, such alternative approach shall be required provided the alternative is technically and economically feasible. Further evaluation of the discharge or activity under subsection (g) of this section would not be needed if a demonstration could be made to the Commissioner's satisfaction that the alternative to the new or increased discharge or activity would not result in a significant lowering of water quality.
 - (B) If an alternative to the proposed discharge activity is identified that would result in a reduction of the impact of such discharge or activity on water quality within the receiving water, but still significantly lower water quality, all technically and economically feasible alternatives and management practices should be required and applied in the evaluation of overriding social and economic need pursuant to subdivision (6) of this subsection.
 - (C) If no technically or economically feasible alternative to the new or increased discharge activity is found that would render the impact of the proposed discharge or activity insignificant and not lower water quality in the receiving water, then the evaluation of overriding social and economic need shall be conducted pursuant to subdivision (6) of this subsection .

(6) Evaluation of Overriding Social or Economic Need

The applicant for a new or increased permit or activity which the Commissioner finds will cause a significant lowering of water quality shall demonstrate to the Commissioner's satisfaction the overriding economic or social benefits to the State and to the area in which the receiving water is located that will result from the discharge or activity. This evaluation shall be consistent with applicable federal guidance for economic evaluations and consider, but not be limited to:

- (A) the loss or reduction of aquatic life, aquatic habitat including riparian vegetation, passive and active recreational value, and aesthetic value which may result from lower water quality;
- (B) a description of the current level of water quality and the impact that the proposed action will have on water quality, including synergistic and cumulative effects;
- (C) a cost-benefit analysis for the discharge or activity;
- (D) any reduction in water quality which may interfere with, or become injurious to, existing or potential uses or inequitably impact any population groups;
- (E) the effect of the project on other services or programs and identification of the appropriate agencies which have been notified of the proposed action;
- (F) the potential for facility expansion, production increase or employment growth;
- (G) direct and indirect income effects;
- (H) increases in community tax base;
- (I) industrial, commercial or residential growth in the community;
- (J) correction of an environmental or public health problem; and

- (K) a statement and discussion concerning the necessity of allowing lower water quality to accommodate important economic development.

(h) Tier 3 Antidegradation Evaluation and Implementation Review

The Commissioner shall determine whether the new or increased discharge or activity is consistent with the maintenance, restoration, and protection of existing and designated uses for the water body in accordance with subsection (f) of this section and that water quality in Outstanding National Resource Waters is maintained and protected. At a minimum, evaluation of potential impacts to water quality in Outstanding National Resource Waters shall be considered except if the activity or discharge:

- (A) will improve water quality or is necessary for maintenance of current environmental conditions;
- (B) is short term and temporary occurring over a period of days or months, not years; or
- (C) Water quality in the receiving water will be equal to or better than that which existed prior to commencement of the new or increased discharge or activity.

(i) Public Participation Requirements

The Commissioner shall assure that public participation pursuant to 40 CFR 131.12(a)(2) is given for all actions for which a review for consistency with this section is conducted. The Commissioner shall also assure that the degradation in water quality will be reviewed by other appropriate government agencies and that the public will be given an opportunity to comment. The public process will be conducted in accordance with the public notice and hearing requirements of chapter 440 or 446k of the Connecticut General Statutes, 33 USC 1341 or 16 USC 1456, as applicable. Any such notice or notice of a hearing shall include the Commissioner's finding with regard to compliance with this Section.

(NEW) Section 22a-426-9 Environmental Criteria

(a) Surface Water Quality Criteria

- (1) Surface Waters shall meet the criteria listed in Table 1 to support the designated uses identified for their particular classification.

Table 1 - Surface Water Criteria by Classification

Parameter	Class AA	Class A	Class B	Class SA	Class SB
Aesthetics	Uniformly excellent.	Uniformly excellent.	Good to excellent.	Uniformly excellent.	Good to excellent.
Dissolved Oxygen	Not less than 5 mg/l at any time.	Not less than 5 mg/l at any time.	Not less than 5 mg/l at any time.	Acute: Not less than 3.0 mg/l. Chronic: Not less than 4.8 mg/l with cumulative periods of dissolved oxygen in the 3.0 – 4.8 mg/l range as detailed in Note 1 to this table.	Acute: Not less than 3.0 mg/l. Chronic: Not less than 4.8 mg/l with cumulative periods of dissolved oxygen in the 3.0 – 4.8 mg/l range as detailed in Note 1 to this table.
Sludge deposits-solid refuse-floating solids-oils and grease-scum	None other than of natural origin.	None other than of natural origin.	None except for small amounts that may result from the discharge from a permitted waste treatment facility and none exceeding levels necessary to protect and maintain all designated uses.	None other than of natural origin.	None except for small amounts that may result from the discharge from a grease waste treatment facility providing appropriate treatment and none exceeding levels necessary to protect and maintain all designated uses.
Color	None other than of natural origin	None other than of natural origin.	None which causes visible discoloration of the surface water outside of any designated zone of influence.	None other than of natural origin.	None resulting in obvious discoloration of the surface water outside of any designated zone of influence.

Table 1 - Surface Water Criteria by Classification

Parameter	Class AA	Class A	Class B	Class SA	Class SB
Suspended and settleable solids	None in concentrations or combinations which would impair designated uses; none aesthetically objectionable; none which would significantly alter the physical or chemical composition of the bottom; none which would adversely impact aquatic organisms living in or on the bottom substrate.	None in concentrations or combinations which would impair designated uses; none aesthetically objectionable; none which would significantly alter the physical or chemical composition of the bottom; none which would adversely impact aquatic organisms living in or on the bottom substrate.	None in concentrations or combinations which would impair the most sensitive designated use; none aesthetically objectionable; none which would significantly alter the physical or chemical composition of the bottom; and none which would adversely impact aquatic organisms living in or on the bottom sediments; shall not exceed 10 mg/l over ambient concentrations.	None other than of natural origin.	None in concentrations or combinations which would impair the designated uses; none aesthetically objectionable; none which would significantly alter the physical or chemical composition of bottom sediments; none which would adversely impact organisms living in or on the bottom sediment.

Table 1 - Surface Water Criteria by Classification

Parameter	Class AA	Class A	Class B	Class SA	Class SB
Silt or sand deposits	None other than of natural origin except as may result from normal agricultural, road maintenance, construction activity or dredging activity or discharge of dredged or fill materials provided all reasonable controls or Best Management Practices are used in such activities and all designated uses are protected and maintained.	None other than of natural origin except as may result from normal agricultural, road maintenance, construction activity, dredging activity or the discharge of dredged or fill materials provided all reasonable controls or Best Management Practices are used in such activities and all designated uses are protected and maintained.	None other than of natural origin except as may result from normal agricultural, road maintenance, construction activity, dredging activity or discharge of dredged or fill materials provided all reasonable controls or Best Management Practices are used in such activities and all designated uses are protected and maintained.	None other than of natural origin except as may result from normal agricultural, road maintenance, construction activity, dredging activity or the discharge of dredged or fill materials provided all reasonable controls or Best Management Practices are used in such activities and all designated uses are protected and maintained.	None other than of natural origin except as may result from normal agricultural, road maintenance, construction activity, dredging activity or discharge of dredged or fill materials provided all reasonable controls or Best Management Practices are used in such activities and all designated uses are protected and maintained.

Table 1 - Surface Water Criteria by Classification

Parameter	Class AA	Class A	Class B	Class SA	Class SB
Turbidity	Shall not exceed 5 NTU over ambient levels and none exceeding levels necessary to protect and maintain all designated uses. All reasonable controls or Best Management Practices are to be used to control turbidity.	Shall not exceed 5 NTU over ambient levels and none exceeding levels necessary to protect and maintain all designated uses. All reasonable controls or Best Management Practices are to be used to control turbidity.	Shall not exceed 5 NTU over ambient levels and none exceeding levels necessary to protect and maintain all designated uses. All reasonable controls or Best Management Practices are to be used to control turbidity.	None other than of natural origin except as may result from normal agricultural, road maintenance, or construction activity, dredging activity or discharge of dredged or fill materials provided all reasonable controls and Best Management Practices are used to control turbidity and none exceeding levels necessary to protect and maintain all designated uses.	None other than of natural origin except as may result from normal agricultural, road maintenance, or construction activity, or discharge from a waste treatment facility providing appropriate treatment, dredging activity or discharge of dredged or fill materials provided all reasonable controls and Best Management Practices are used to control turbidity and none exceeding levels necessary to protect and maintain all designated uses.
Indicator bacteria	See Table 2A of this section.	See Table 2A of this section.	See Table 2A of this section.	See Table 2B of this section.	See Table 2B of this section.
Taste and Odor	None other than of natural origin.	None other than of natural origin.	None that would impair any uses specifically assigned to this Class.	As naturally occurs.	As naturally occurs. None that would impair any uses specifically assigned to this Class.
pH	As naturally occurs.	As naturally occurs.	6.5 – 8.0	6.8 – 8.5	6.8 – 8.5

Table 1 - Surface Water Criteria by Classification

Parameter	Class AA	Class A	Class B	Class SA	Class SB
<p>Allowable Temperature Increase</p>	<p>There shall be no changes from natural conditions that would impair any existing or designated uses assigned to this Class and in no case exceed 85° F, or in any case raise the temperature of surface water more than 4° F.</p>	<p>There shall be no changes from natural conditions that would impair any existing or designated uses assigned to this Class and, in no case exceed 85° F, or in any case raise the temperature of surface water more than 4° F.</p>	<p>There shall be no changes from natural conditions that would impair any existing or designated uses assigned to this Class and, in no case exceed 85° F, or in any case raise the temperature of surface water more than 4° F.</p>	<p>There shall be no changes from natural conditions that would impair any existing or designated uses assigned to this Class and, in no case exceed 83° F, or in any case raise the temperature of the receiving water more than 4° F. During the period including July, August and September, the temperature of the receiving water shall not be raised more than 1.5° F unless it can be shown that spawning and growth of indigenous organism will not be significantly affected. The allowable temperature increase resulting from discharges in the estuarine segments of</p>	<p>There shall be no changes from natural conditions that would impair any existing or designated uses assigned to this Class and, in no case exceed 83° F, or in any case raise the temperature of the receiving water more than 4° F. During the period including July, August and September, the temperature of the receiving water shall not be raised more than 1.5° F unless it can be shown that spawning and growth of indigenous organisms will not be significantly affected. The allowable temperature increase resulting from discharges in the estuarine segments of</p>

Table 1 - Surface Water Criteria by Classification

Parameter	Class AA	Class A	Class B	Class SA	Class SB
				the Housatonic, Connecticut and Thames Rivers shall be consistent with the criteria for the non-tidal segments.	the Housatonic, Connecticut and Thames Rivers shall be consistent with the criteria for the non-tidal segments.
Chemical constituents	None in concentrations or combinations which would be harmful to designated uses. Refer to Table 3 of this section and sections 22a-426-4(a)(5); 22a-426-4(a)(9); 22a-426-4(a)(9)(B); 22a-426-4(a)(11); 22a-426-4(l); 22a-426-4(m); 22a-426-9(a)(3); 22a-426-9(a)(4) and 22a-426-9(a)(5) of the Regulations of Connecticut State Agencies.				
Nutrients	The loading of nutrients, principally phosphorus and nitrogen, to any surface water body shall not exceed that which supports maintenance or attainment of designated uses.	The loading of nutrients, principally phosphorus and nitrogen, to any surface water body shall not exceed that which supports maintenance or attainment of designated uses.	The loading of nutrients, principally phosphorus and nitrogen, to any surface water body shall not exceed that which supports maintenance or attainment of designated uses.	The loading of nutrients, principally phosphorus and nitrogen, to any surface water body shall not exceed that which supports maintenance or attainment of designated uses.	The loading of nutrients, principally phosphorus and nitrogen, to any surface water body shall not exceed that which supports maintenance or attainment of designated uses.
Sodium	Not to exceed 20 mg/l.	None other than of natural origin.			

Table 1 - Surface Water Criteria by Classification

Parameter	Class AA	Class A	Class B	Class SA	Class SB
Biological condition	Sustainable, diverse biological communities of indigenous taxa shall be present. Moderate changes, from natural conditions, in the structure of the biological communities, and minimal changes in ecosystem function may be evident; however, water quality shall be sufficient to sustain a biological condition within the range of Connecticut Biological Condition Gradient Tiers 1-4 as assessed along a 6 tier stressor gradient of Biological Condition Gradient (See section 22a-426-5 of the Regulations of Connecticut State Agencies).	Sustainable, diverse biological communities of indigenous taxa shall be present. Moderate changes, from natural conditions, in the structure of the biological communities, and minimal changes in ecosystem function may be evident; however, water quality shall be sufficient to sustain a biological condition within the range of Connecticut Biological Condition Gradient Tiers 1-4 as assessed along a 6 tier stressor gradient of Biological Condition Gradient (See section 22a-426-5 of the Regulations of Connecticut State Agencies).	Sustainable, diverse biological communities of indigenous taxa shall be present. Moderate changes, from natural conditions, in the structure of the biological communities, and minimal changes in ecosystem function may be evident; however, water quality shall be sufficient to sustain a biological condition within the range of Connecticut Biological Condition Gradient Tiers 1-4 as assessed along a 6 tier stressor gradient of Biological Condition Gradient (See section 22a-426-5 of the Regulations of Connecticut State Agencies).	Sustainable, diverse biological communities of indigenous taxa shall be present. Moderate changes, from natural conditions, in the structure of the biological communities, and minimal changes in ecosystem function may be evident; however, water quality shall be sufficient to sustain a healthy, diverse biological community	Sustainable, diverse biological communities of indigenous taxa shall be present. Moderate changes, from natural conditions, in the structure of the biological communities, and minimal changes in ecosystem function may be evident; however, water quality shall be sufficient to sustain a healthy, diverse biological community

Note 1

Cumulative Dissolved Oxygen exposure parameters: Dissolved Oxygen conditions in the area affected do not readily lend themselves to a single numeric criterion. Aquatic organisms are harmed based on a combination of minimum oxygen concentration and duration of the low Dissolved Oxygen excursion. Connecticut DEEP established exposure allowances based upon EPA research and data, for 0.5 mg/l and 0.3 mg/l increment ranges. (See Table A in this note.) Given the environmental variability, the Department has used a minimum Dissolved Oxygen criterion of 3.0 mg/l with an exposure allowance of no more than 2 days.

Table A Dissolved Oxygen Chronic Cumulative Exposure Criteria for incremental ranges (0.5 mg/l and 0.3 mg/l) applicable to Class SA and SB waters.		
Dissolved Oxygen Range (mg/l)		No. of Days Allowed
<4.8	≥ 4.5	30
<4.5	≥ 4.0	14
<4.0	≥ 3.5	7
<3.5	≥ 3.0	2

Because marine systems are variable, Dissolved Oxygen levels are unlikely to remain within one of the four incremental ranges presented in Table A. Typically, Dissolved Oxygen conditions would fall through a range to a minimum and then begin to rebound depending on weather and stratification conditions. To account for this, the number of days within each incremental Dissolved Oxygen range is pro-rated, as follows: A decimal fraction is calculated for each range, *e.g.*, 10.5 days in the 4.5 - 4.8 mg/l range would produce a decimal fraction of 0.35 (0.35 = 10.5 days/ 30 days). As long as the sum of those fractions calculated for each range is less than 1.0, resource protection goals are maintained for larval recruitment.

In cases where data collection yields continuous Dissolved Oxygen readings or more frequent sampling results, the data can be interpreted using a 0.1 mg/l interval range. The number of allowable days is determined using the following method:

$$DO_i = 13.0 / (2.80 + 1.84e^{-0.10t_i})$$

where:

DO_i = allowable Dissolved Oxygen concentration (mg/l)

t_i = exposure interval duration in days

i = exposure interval

However, since most sampling programs do not result in frequent readings, a greater interval (presented in Table A) is recommended. Use of a larger interval results in a larger sum of fractions and is subsequently a more conservative measure of consistency with the Connecticut Water Quality Standards.

- (2) Indicator bacteria are used to detect the presence of contamination by human or animal wastes. Tables 2A and 2B below provide the criteria for indicator bacteria. Due to the inherent uncertainty involved in sampling and analytically determining bacteria levels, exceedances of water quality criteria for indicator bacteria does not always indicate a water quality problem and therefore should be investigated by means of a sanitary survey or other appropriate means to determine sources of elevated indicator bacteria levels.

Table 2A – Indicator Bacteria – Freshwater

Designated Use	Indicator	Criteria by classification				
		AA	A	B	SA	SB
Drinking water supply ⁽¹⁾	Total Coliform	Monthly moving average less than 100/100 ml Single sample maximum 500/100 ml				
Recreation ⁽²⁾⁽³⁾ – Designated swimming ⁽⁴⁾	Escherichia coli	Geometric mean less than 126/100 ml Single sample maximum 235/100 ml				
Recreation ⁽²⁾⁽³⁾ – Non Designated Swimming ⁽⁵⁾	Escherichia coli	Geometric mean less than 126/100 ml Single sample maximum 410/100 ml				
Recreation ⁽²⁾⁽³⁾ – All other uses	Escherichia coli	Geometric mean less than 126/100 ml Single sample maximum 576/100 ml				

Table 2B – Indicator Bacteria - Saltwater

Designated Use	Indicator	Criteria by classification				
		AA	A	B	SA	SB
Shell fishing ⁽⁶⁾ – Direct Consumption	Fecal coliform				Geometric mean less than 14/100 ml	
					90% of samples less than 31/100 ml	
Shell fishing ⁽⁶⁾ – Indirect consumption	Fecal coliform					Geometric mean less than 88/100 ml
						90% of samples less than 260/100 ml
Recreation - Designated swimming ⁽⁴⁾	Enterococci				Geometric mean less than 35/100ml Single sample maximum 104/100 ml	
Recreation – All other uses	Enterococci				Geometric mean less than 35/100 ml Single sample maximum 500/100 ml	

Notes for Tables 2A and 2B

- (1) Criteria applies only at the drinking water supply intake structure.
- (2) Criteria for the protection of recreational uses in Class B waters do not apply when disinfection of sewage treatment plant effluents is not required consistent with section 22a-426-4(a)(9)(E) of the Regulations of Connecticut State Agencies.
- (3) See section 22a-426-9(a)(2) of the Regulations of Connecticut State Agencies.
- (4) Procedures for monitoring and closure of bathing areas by State and Local Health Authorities are specified in: Guidelines for Monitoring Bathing Waters and Closure Protocol, adopted jointly by the Department of Environmental Protection and the Department of Public Health, May 1989, revised April 2003 and updated December 2008.
- (5) Includes areas otherwise suitable for swimming but which have not been designated by State or Local authorities as bathing areas, waters which support tubing, water skiing, or other recreational activities where full body contact is likely.
- (6) Criteria are based on utilizing the mTec method as specified in the U.S. Food and Drug Administration National Shellfish Sanitation Program-Model Ordinance (NSSP-MO) document *Guide for the Control of Molluscan Shellfish 2007*.

- (3) Discharges to surface waters must meet the criteria listed for chemical constituents in Table 3 of this section to ensure the particular surface waters support the uses identified for their particular classification and to assure that such discharges do not cause acute or chronic toxicity to freshwater and marine aquatic life; do not impair the biological integrity of freshwater and marine ecosystems; and do not create an unacceptable risk to human health.
- (4) The Commissioner may amend the numeric criteria for the chemical constituents listed in Table 3 of this section in accordance with the procedures specified in section 22a-426 of the Connecticut General Statutes on his or her own initiative, or upon request of any person or municipality that site-specific water quality criteria be adopted or amended, provided such request is supported by sound scientific and technical evidence demonstrating the following:
 - (A) Conditions at the specific site differ significantly from those used in establishing the statewide criteria;
 - (B) The proposed site-specific criteria are sufficiently stringent to protect all existing and designated uses of the water body; and
 - (C) The proposed site-specific criteria are derived in a manner consistent with sound scientific and technical principles, giving consideration to all applicable federal guidance.
- (5) The Commissioner may adopt or amend criteria for any surface water or class of water, in accordance with the procedures specified in section 22a-426 of the Connecticut General Statutes and in subparagraphs (A), (B), and (C) of this subsection, provided such change is supported by sound scientific and technical evidence, and existing and designated uses are fully protected.

Table 3 NUMERICAL WATER QUALITY CRITERIA FOR CHEMICAL CONSTITUENTS

Numerical Water Quality Criteria for Chemical Constituents (ug/L) ¹								
		Aquatic Life Criteria ⁽²⁾⁽³⁾				Human health Criteria		
		Freshwater: Class AA, A & B		Saltwater Class SA & SB		Class B, SA & SB Waters	Class AA & A Waters	
Chemical Constituents	CASRN	Acute ⁴	Chronic ⁵	Acute ⁴	Chronic ⁵	Consumption of Fish	Consumption of Water & Fish	Health Designation ⁶
Inorganics⁷								
Antimony	7440360					640	5.6	TT
Arsenic (total)	7440382	340	150	69	36	0.021	0.011	A
Beryllium	7440417					0.13	0.0077	TT
Cadmium	7440439	1.0	0.125	40	8.8	10,769	5	TT
Chromium (hex)	18540299	16	11	1,100	50	2,019	100	TT
Chromium (tri)	16065831	323	42			1,009,615	100	TT
Copper	7440508	14.3 ⁸	4.8 ⁹	4.8	3.1		1,300	TT
Copper (site-specific) ¹⁰	7440508	25.7	18.1				1,300	TT
Cyanide (Total)	57125	22	5.20	1	1	140	140	TT
Lead	7439921	30	1.2	210	8.1		15	TT
Mercury (Total)	7439976	1.4	0.77	1.8	0.94	0.051	0.050	TT-HB
Nickel	7440020	260.5	28.9	74	8.2	4,600	610	TT
Selenium (Total)	7782492	20	5	290	71	4,200	50	TT
Silver	7440224	1.02		1.9		107,692	175	TT

Table 3 – Numerical Water Quality Criteria for Chemical Constituents

Numerical Water Quality Criteria for Chemical Constituents (ug/L) ¹								
Chemical Constituents	CASRN	Aquatic Life Criteria ⁽²⁾⁽³⁾				Human health Criteria		
		Freshwater: Class AA, A & B		Saltwater Class SA & SB		Class B, SA & SB Waters	Class AA & A Waters	Health Designation ⁶
		Acute ⁴	Chronic ⁵	Acute ⁴	Chronic ⁵	Consumption of Fish	Consumption of Water & Fish	
Thallium	7440280					0.47	0.24	TT
Zinc	7440666	65	65	90	81	26,000	7,400	TT
Volatiles								
Acrolein	107028	3	3			9	6	TT
Acrylonitrile	107131					0.25	0.051	C
Benzene	71432					51	1.2	A
Bromoform	75252					140	4.3	C
Carbon Tetrachloride	56235					1.6	0.23	C
Chlorobenzene	108907					1,600	100	TT
Chlorodibromomethane	124481					13	0.40	C
Chloroethane	75003							
2-Chloroethylvinyl Ether	110758							
Chloroform	67663					470	5.7	C
Dichlorobromomethane	75274					17	0.55	C
1,1-Dichloroethane	75343							
1,2-Dichloroethane	107062					37	0.38	C
1,1-Dichloroethylene	75354					3.2	0.057	C

Table 3 – Numerical Water Quality Criteria for Chemical Constituents

Numerical Water Quality Criteria for Chemical Constituents (ug/L) ¹								
Chemical Constituents	CASRN	Aquatic Life Criteria ⁽²⁾⁽³⁾				Human health Criteria		
		Freshwater: Class AA, A & B		Saltwater Class SA & SB		Class B, SA & SB Waters	Class AA & A Waters	Health Designation ⁶
		Acute ⁴	Chronic ⁵	Acute ⁴	Chronic ⁵	Consumption of Fish	Consumption of Water & Fish	
1,2T-Dichloroethylene	156605					10,000	100	TT
1,2-Dichloropropane	78875					15	0.50	TT
1,3-Dichloropropylene	542756					21	0.34	TT
Ethylbenzene	100414					2,100	530	TT
Methyl Bromide	74839					1,500	47	TT
Methyl Chloride	74873					470	5.7	TT
Methylene Chloride	75092					590	4.6	C
1,1,2,2-Tetrachloroethane	79345					4.0	0.17	C-HB
Tetrachloroethylene	127184					3.3	0.69	TT
Toluene	108883					15,000	1,000	TT
1,1,1-Trichloroethane	71556							
1,1,2-Trichloroethane	79005					16	0.59	C
Trichloroethylene	79016					30	2.5	C
Vinyl Chloride	75014					2.4	0.025	C
GC/MS: Acid Compounds								
2-Chlorophenol	95578					150	81	TT
2,4-Dichlorophenol	120832					290	77	TT

Table 3 – Numerical Water Quality Criteria for Chemical Constituents

Numerical Water Quality Criteria for Chemical Constituents (ug/L) ¹								
Chemical Constituents	CASRN	Aquatic Life Criteria ⁽²⁾⁽³⁾				Human health Criteria		
		Freshwater: Class AA, A & B		Saltwater Class SA & SB		Class B, SA & SB Waters	Class AA & A Waters	Health Designation ⁶
		Acute ⁴	Chronic ⁵	Acute ⁴	Chronic ⁵	Consumption of Fish	Consumption of Water & Fish	
2,4-Dimethylphenol	105679					850	380	TT
3-Methyl-4-chlorophenol	59507							
2-Methyl-4,6-Dinitrophenol	534521					280	13	TT
2,4-Dinitrophenol	51285					5,300	69	TT
2-Nitrophenol	88755							
4-Nitrophenol	100027							
Pentachlorophenol	87865	19	15	13	7.9	3.0	0.27	C-HB
Phenol	108952					860,000	10,000	TT
2,4,6-Trichlorophenol	88062					2.4	1.4	C-HB
Base Neutral Compounds								
Acenaphthene	83329					6.1	2.7	TT-HB
Acenaphthylene	208968					49.2	4.37	C-HB
Anthracene	120127					4.92	0.44	C-HB
Benzidene	92875					0.00020	0.000086	A
Benzo(a)anthracene	56553					0.018	0.0038	C-HB
Benzo(a)pyrene	50328					0.018	0.0038	C-HB
Benzo(b)fluoranthene	205992					0.018	0.0038	C-HB

Table 3 – Numerical Water Quality Criteria for Chemical Constituents

Numerical Water Quality Criteria for Chemical Constituents (ug/L) ¹								
Chemical Constituents	CASRN	Aquatic Life Criteria ⁽²⁾⁽³⁾				Human health Criteria		
		Freshwater: Class AA, A & B		Saltwater Class SA & SB		Class B, SA & SB Waters	Class AA & A Waters	Health Designation ⁶
		Acute ⁴	Chronic ⁵	Acute ⁴	Chronic ⁵	Consumption of Fish	Consumption of Water & Fish	
Benzo(ghi)perylene	191242					4.92	0.44	C-HB
Benzo(k)fluoranthene	207089					0.018	0.0038	C-HB
Bis(2-chloroethoxy)Methane	111911							
Bis(2-Chloroethyl)Ether	111444					0.53	0.030	C
Bis(2-Chloroisopropyl)Ether	108601					65,000	1,400	TT
Bis(2-Ethylhexyl)Phthalate	117817					2.2	1.2	C-HB
4-Bromophenylether	101553							
Butyl Benzyl Phthalate	85687					1,900	1,500	TT-HB
2-Chloronaphthylene	91587					1,600	1,000	TT-HB
4-Chlorophenylphenylether	7005723							
Chrysene	218019					0.018	0.0038	C-HB
Dibenzo(a,h)anthracene	53703					0.010	0.0009	C-HB
1,2-Dichlorobenzene	95501					1,300	420	TT-HB
1,3-Dichlorobenzene	541731					960	320	TT-HB
1,4-Dichlorobenzene	106467					190	63	TT-HB
3,3'-Dibenzidenes	91941					0.028	0.021	C-HB
Diethyl Phthalate	84662					44,000	17,000	TT

Table 3 – Numerical Water Quality Criteria for Chemical Constituents

Numerical Water Quality Criteria for Chemical Constituents (ug/L) ¹								
Chemical Constituents	CASRN	Aquatic Life Criteria ⁽²⁾⁽³⁾				Human health Criteria		
		Freshwater: Class AA, A & B		Saltwater Class SA & SB		Class B, SA & SB Waters	Class AA & A Waters	Health Designation ⁶
		Acute ⁴	Chronic ⁵	Acute ⁴	Chronic ⁵	Consumption of Fish	Consumption of Water & Fish	
Dimethyl Phthalate	131113					1,100,000	270,000	TT
Di-n-butyl Phthlate	84742					4,500	2,000	TT-HB
Di-n-octyl Phthalate ester	117840							
2,4-Dinitrotoluene	121142					3.4	0.11	C
2,6-Dinitrotoluene	606202							
Di-n-ocytyl phthalate	117840							
1,2-Diphenylhydrazine	122667					0.20	0.036	C
Fluoranthene	206440					1.28	1.01	C-HB
Fluorene	86737					49.2	4.37	C-HB
Hexachlorobenzene	118741					0.00029	0.00028	C-HB
Hexachlorobutadiene	87683					18	0.44	C-HB
Hexachlorocyclopentadiene	77474					1,100	40	TT-HB
Hexachloroethane	67721					3.3	1.4	C-HB
Indeno (1,2,3-cd) pyrene	193395					0.018	0.0038	C-HB
Isophorone	78591					960	35	TT
Napthalene	91203					20,513	677	TT
Nitrobenzene	98953					690	17	TT

Table 3 – Numerical Water Quality Criteria for Chemical Constituents

Numerical Water Quality Criteria for Chemical Constituents (ug/L) ¹								
Chemical Constituents	CASRN	Aquatic Life Criteria ⁽²⁾⁽³⁾				Human health Criteria		
		Freshwater: Class AA, A & B		Saltwater Class SA & SB		Class B, SA & SB Waters	Class AA & A Waters	Health Designation ⁶
		Acute ⁴	Chronic ⁵	Acute ⁴	Chronic ⁵	Consumption of Fish	Consumption of Water & Fish	
N-Nitrosodimethylamine	62759					3	0.00069	C
N-Nitrosodi-N-propylamine	621647					0.51	0.005	C
N-Nitrosodiphenylamine	86306					6.0	3.3	C
Phenanthrene	85018					49.17	4.37	C-HB
Pyrene	129000					49.17	4.37	C-HB
1,2,4-Trichlorobenzene	120821					70	35	TT
Pesticides								
Aldrin	309002	1.50		0.65		0.00005	0.000049	C-HB
Chlordane	57749	1.20	0.0043	0.045	0.004	0.00081	0.00080	C-HB
DDT	50293	0.55 ¹¹	0.001 ¹¹	0.065 ¹¹	0.001 ¹¹	0.00022	0.00022	C-HB
DDD	72548					0.00031	0.00031	C-HB
DDE	72559					0.00022	0.00022	C-HB
Dieldrin	60571	0.24	0.056	0.355	0.0019	0.000054	0.000052	C
Endosulfan Alpha	959988	0.11 ¹²	0.056 ¹²	0.017 ¹²	0.0087 ¹²	89	62	TT
Endosulfan Beta	33213659	0.11 ¹²	0.056 ¹²	0.017 ¹²	0.0087 ¹²	89	62	TT
Endosulfan Sulfate	1031078					89	62	TT
Endrin	72208	0.086	0.036	0.0185	0.0023	0.060	0.059	TT

Table 3 – Numerical Water Quality Criteria for Chemical Constituents

Numerical Water Quality Criteria for Chemical Constituents (ug/L) ¹								
Chemical Constituents	CASRN	Aquatic Life Criteria ⁽²⁾⁽³⁾				Human health Criteria		
		Freshwater: Class AA, A & B		Saltwater Class SA & SB		Class B, SA & SB Waters	Class AA & A Waters	Health Designation ⁶
		Acute ⁴	Chronic ⁵	Acute ⁴	Chronic ⁵	Consumption of Fish	Consumption of Water & Fish	
Endrin Aldehyde	7421934					0.30	0.29	TT
Heptachlor	76448	0.26	0.0038	0.0265	0.0036	0.000079	0.000079	C
Hetachlor epoxide	1024573	0.26	0.0038	0.0265	0.0036	0.000039	0.000039	C
Hexachlorocyclohexane alpha	319846					0.0049	0.0026	C-HB
Hexachlorocyclohexane beta	319857					0.017	0.0091	C-HB
Hexachlorocyclohexane delta	319868							
Hexachlorocyclohexane gamma (Lindane)	58899	0.95		0.08		0.063	0.019	TT-HB
Polychlorinated Biphenyls ¹³			0.014		0.03	0.000064	0.000064	C-HB
2,3,7,8-TCDD (Dioxin)	1746016					0.0000000051	0.000000005	C-HB
Toxaphene	8001352	0.73	0.0002	0.21	0.0002	0.00028	0.00028	C-HB
Other Substances								
Aluminum	7429905	750	87					
Ammonia	7664417	*	**	233 ¹⁵	35 ¹⁵			
Asbestos	1332214						7 Million fibers per liter	A
Chlorine	7782505	19	11	13	7.5			
Chloride	16887006	860,000	230,000					

Table 3 – Numerical Water Quality Criteria for Chemical Constituents

*See Table Note 14-A

**See Table Notes 14B & 14C

Table 3 - Notes:

- 1 The minimum data necessary to determine consistency with Connecticut Water Quality Standards shall be subject to the Commissioner's discretion and may not be limited to or include chemical analysis results for all of the constituents listed in Table 3
- 2 Aquatic life criteria for freshwater may be used for saltwater if criteria for saltwater is unavailable.
- 3 For brackish waters, use the more restrictive of the aquatic life criteria for freshwater and for saltwater.
- 4 Biological integrity is impaired by an exposure of one hour or longer to a concentration which exceeds the acute criteria more frequently than once every three years on average.
- 5 Biological integrity is impaired when the four-day average concentration exceeds the chronic criteria more frequently than once every three years on average.
- 6 The commissioner will consider the following human health designations in allocating zones of influence for discharges:
 - A: Class A carcinogen (known human carcinogen)
 - TT: Threshold Toxicant, not carcinogenic
 - C: Carcinogenic (probable or possible carcinogen)
 - HB: High potential to bioaccumulate or bioconcentrate
- 7 Criteria apply to the dissolved fraction of ambient waters unless otherwise noted.
- 8 Biological integrity is impaired when the ambient concentration exceeds this value on more than 5% of days in any year.
- 9 Biological integrity is impaired when the ambient concentration exceeds this value on more than 50% of days in any year.
- 10 Site-specific criteria for copper apply for the following waters:

Bantam River	Litchfield POTW to confluence with Shepaug River
Blackberry River	Norfolk POTW to confluence with Roaring Brook
	North Canaan POTW to confluence with Housatonic River
Factory Brook	Salisbury POTW to mouth
Five Mile River	New Canaan POTW to mouth
Hockanum River	Vernon POTW to confluence with Connecticut River
Mill Brook	Plainfield Village POTW to mouth
Naugatuck River	Torrington POTW to confluence with Housatonic River
Norwalk River	Ridgefield Brook to Branchville
Pequabuck River	Plymouth POTW to confluence with Farmington River

Table 3 – Numerical Water Quality Criteria for Chemical Constituents

Pootatuck River	Newtown POTW to confluence with the Housatonic River
Quinnipiac River	Southington POTW to Broadway, North Haven
Still River	Winsted POTW to confluence with Farmington River
Still River	Limekiln Brook to confluence with Housatonic River
Williams Brook	Ledyard POTW to mouth
Willimantic River	Stafford Springs POTW to Trout Management Area (Willington)
	Eagleville Dam to confluence with Shetucket River

- 11 This criterion applies to DDT and its metabolites (i.e. the total concentration of DDT and its metabolites should not exceed this value).
- 12 This value was derived from data for endosulfan and is most appropriately applied to the sum of alpha endosulfan and beta endosulfan.
- 13 Criteria are applicable to total PCB's (e.g. the sum of all congeners or all isomer or homolog or Arochlor analyses).
- 14 Criteria for ammonia, (mg/l as N) vary in response to ambient surface water temperature (T, degrees C) and pH. Biological integrity is considered impaired when:

A The one-hour average concentration of total ammonia exceeds:
 $[0.275/(1+10^{(7.204-pH)})] + [39.0/(1+10^{(pH-7.204)})]$ when salmonids are present
 Or
 $[0.411/(1+10^{(7.204-pH)})] + [58.4/(1+10^{(pH-7.204)})]$ when salmonids are absent

B The four-day average concentration of total ammonia exceeds 2.5 times the value obtained from the formula in 14.C. below.

C The 30-day average concentration of total ammonia exceeds:
 $[0.0577/(1+10^{(7.688-pH)})] + [2.487/(1+10^{(pH-7.688)})] \times [\text{MIN}(2.85, 1.45 \times (10^{(0.028(25-T)})))]$
 when early life stages are present;
 or
 $[0.0577/(1+10^{(7.688-pH)})] + [2.487/(1+10^{(pH-7.688)})] \times [1.45 \times (10^{(0.028(25-\text{MAX}(T,7))})]$
 when early life stages are absent.

- 15 Saltwater ammonia criteria are expressed as un-ionized ammonia (NH₃). Equivalent total ammonia concentrations are dependent on receiving water temperature, pH, and salinity.

Conversion of un-ionized ammonia concentrations to total ammonia (NH₃ + NH₄⁺) may be performed using the procedure described in "Ambient Water Quality Criteria for Ammonia (Saltwater) – 1989", EPA 440/5-88-004.

(b) Ground Water Quality Criteria

- (1) In areas classified as GAA, GAAs, and GA:
 - (A) Dissolved Oxygen, pH, and chemical constituents shall be maintained at levels as naturally occur; and
 - (B) Oils and Grease, Color and Turbidity, Taste and Odor, and Coliform Bacteria shall not be present unless of natural origin.
- (2) In areas classified as GB, no specific ground water quality criteria apply except those that may be promulgated as part of the Site Remediation Regulations adopted pursuant to section 22a-133k of the Connecticut General Statutes.
- (3) In areas classified as GC, no quantitative criteria are specifically determined until such time as a person applies to the Department under section 22a-430 of the Connecticut General Statutes to discharge leachate to ground water. The most important consideration in making a determination to classify ground water as GC is the impact of any authorized ground water discharges on adjacent surface waters.

Statement of Purpose: The purpose of these regulations is to codify Connecticut's established Water Quality Standards into regulations.

A. The problems, issues or circumstances that the regulation proposes to address.

The Water Quality Standards set the overall policy for management of surface water and ground water quality in accordance with the state and federal clean water programs. They designate use goals, define allowable discharges, and identify measures necessary to maintain the chemical, physical, and biological integrity of Connecticut's waters, provide for the protection and propagation of fish, shellfish, and wildlife, for recreation in and on the water, and to protect public and private drinking water supplies. The Surface Water Quality Standards are consistent with Section 303 of the federal Clean Water Act and serve to qualify the state and its municipalities for available federal grants for water pollution control.

The established Water Quality Standards have already undergone a public review process in accordance with state statute and federal law. The most recent revision of the Standards was finalized February 25, 2011.

These regulations are being proposed under the authority of section 22a-426 of the Connecticut General Statutes. This section was recently amended to require the promulgation of the state's Water Quality Standards as regulations. The proposed regulations codify the existing Standards into a regulatory format in fulfillment of the statute's requirements. There are no substantive changes to the existing standards proposed as part of this rulemaking exercise.

B. Summary of the main provision of the proposed amendment.

The proposed regulations include, but are not limited to, provisions regarding: (1) short title; (2) purpose, goals and applicability; (3) definitions; (4) surface waters; (5) biological condition gradient model; (6) lake trophic category; (7) ground waters; (8) antidegradation standards and antidegradation implementation procedures; and (9) environmental criteria.

C. The legal effects of the proposed amendment on existing regulations or other laws.

There is no impact on existing regulations or other laws.