

AGREEMENT

Entered this 14th day of September, 1973, between Douglas M. Costle, as Commissioner of the Department of Environmental Protection, State of Connecticut (hereinafter, the "Commissioner"), and Colonel John H. Mason, as Division Engineer, New England Division, United States Army Corps of Engineers (hereinafter, the "Division Engineer").

WHEREAS the Congress of the United States of America, acting pursuant to its lawful powers, has authorized the Administrator of the United States Environmental Protection Agency (hereinafter, the "Administrator") and certain qualifying states to establish and administer a National Pollutant Discharge Elimination System (hereinafter, "N.P.D.E.S.") for discharges of pollutants into navigable waters;

WHEREAS the State of Connecticut, acting through its Governor, Thomas J. Meskill, desires to qualify as a state authorized to establish and administer its own N.P.D.E.S. permit program for discharges into navigable waters within its jurisdiction;

WHEREAS the Administrator has promulgated regulations (40 C.F.R. 121) and certain state program elements necessary for participation in the N.P.D.E.S., (hereinafter, "State Guidelines") and the State of Connecticut, through its authorized representative of the state, of procedures for transmission of certain data concerning the N.P.D.E.S. permit program to the Division Engineer;

WHEREAS the Department of Environmental Protection, State of Connecticut, acting through the Commissioner, is authorized pursuant to Sec. 22a-5, 22a-6 and 25-54c, Connecticut General Statutes, to administer an N.P.D.E.S. permit program on behalf of the State of Connecticut, and to enter into agreements with the Division Engineer incidental to that authority;

WHEREAS the Division Engineer desires to ensure that N.P.D.E.S. permits will not be issued if anchorage and navigation of any of the navigable waters would be substantially impaired thereby;

NOW THEREFORE, the parties to this agreement, in consideration of the mutual covenants and stipulations set out herein, agree as follows:

ARTICLE I

TRANSMISSION OF FACT SHEETS

(1) The Commissioner or his designee shall prepare a fact sheet in accordance with Sec. 124.33 of the State Guidelines, or equivalent state requirements for every discharge to a navigable water which has a total volume of more than 500,000 gallons on any day of the year, or for any other discharge where a substantial public interest in the discharge is anticipated.

(2) Except as provided in paragraph (1) of this Article I, the Commissioner or his designee shall, upon request of the Division Engineer, transmit a copy of any fact sheet prepared with respect to such discharge to the Division Engineer.

(3) The Division Engineer may waive any and all of his rights to receive fact sheets with respect to any class or type of discharge, or with respect to discharges to particular navigable waters or parts thereof.

ARTICLE II

OPPORTUNITY FOR COMMENT

(1) Except as provided in paragraph (2) of this Article II, the Commissioner or his designee shall extend to the Division Engineer a reasonable time, not to exceed 30 days from the date a fact sheet is sent to the Division Engineer, in which to make written comment upon, file written objections to or make written recommendations with respect to the issuance of an N.P.D.E.S. permit or equivalent order for a discharge described in such fact sheet.

(2) The Division Engineer may waive any and all of his rights to comment upon, object to or make recommendations with respect to the issuance of such N.P.D.E.S. permits or equivalent orders for any class or type of discharge, or for discharges to particular navigable waters or parts thereof.

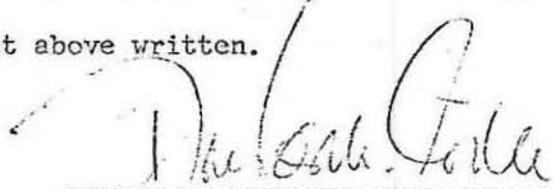
ARTICLE III

EFFECT, RESILIENCY, MODIFICATION

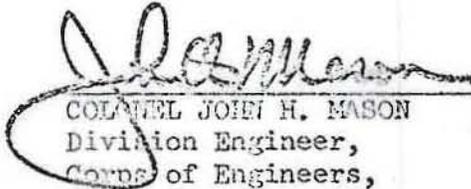
This agreement shall have effect only as far as of the State of Connecticut's D.P.D.E.S. permit program or the Administrator pursuant to Sec. 402(b) of the Federal Act, and shall remain in

effect for the duration of such approved program or until this agreement is rescinded by mutual agreement of the parties. This agreement may be modified from time to time as the parties may agree in order to simplify the procedures and refine the methods of administration and enforcement of the N.P.D.E.S. permit program.

In witness whereof, the parties have executed this agreement the day and year first above written.



DOUGLAS M. COSTLE
Commissioner



COLONEL JOHN H. MASON
Division Engineer,
Corps of Engineers,
New England Division

MODIFICATION TO NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF CONNECTICUT
AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION I

I. Introduction

The Memorandum of Agreement approved September 26, 1973, by the Administrator of the United States Environmental Protection Agency between the Connecticut Department of Environmental Protection (State) and the United States Environmental Protection Agency (U.S. EPA), Region I, is hereby modified to define State and U.S. EPA responsibilities for the establishment and enforcement of National Pretreatment Standards for existing and new sources under Section 307 (b) and (c) of the Clean Water Act (Act) as follows:

II. Scope of State Responsibilities

A. General

The State has primary responsibility for: (1) enforcing against discharges prohibited by 40 C.F.R. Section 403.5; (2) applying and enforcing any National Pretreatment Standards established by the U.S. EPA in accordance with Section 307 (b) and (c) of the Act; (3) reviewing and approving modification of categorical pretreatment standards to reflect removal of pollutants by a Publicly Owned Treatment Works (POTW) and enforcing related conditions in the POTW's National Pollutant Discharge Elimination System Permit. U.S. EPA will carry out overview of and approve State pretreatment program operations consistent with 40 C.F.R. 403 regulations and this Memorandum of Agreement.

The State shall carry out inspection, surveillance and monitoring procedures which will determine, independent of information supplied by the Industrial

law as long as the State or POTW requirements are not less stringent than any set forth in the National Pretreatment Standards, or other requirements or prohibitions established under the Act or regulations issued thereunder.

III. EPA Program Overview

In order to permit U.S. EPA to fulfill its program review responsibilities, the State shall comply with the following requirements:

(1) Previously Issued Permits or Orders

Within 30 days of promulgation of any National Pretreatment Standard by U.S. EPA, or upon the effective date of this Modification for any previously promulgated standards, the State shall forward to U.S. EPA:

a. One copy of a representative State pretreatment permit (or order) previously issued to an industry in each promulgated category. For each such permit, the State shall indicate what modifications, if any, it intends to make to permits of this type in order to bring them into compliance with the Federal Standard.

b. A list of all Industrial Users in the State affected by each categorical standard and the State's estimated timetable for modification or issuance of permits (or orders) to these Industrial Users.

(2) New Permits or Orders

If no State permit (or order) has been issued to any Industrial User affected by a categorical standard then, within 90 days of promulgation of such standard,

the State shall send U.S. EPA a representative draft of the pretreatment permit or order it proposes to issue Industrial Users within that category. As in Item 1(b) above, a list of Industrial Users affected by the standard and an estimated issuance timetable shall be submitted.

If no comments or requested revisions to the draft permit or order are received by the State from U.S. EPA within 30 days, the State may assume that U.S. EPA has no objection to the proposed permit or order.

(3) Upon request by U.S. EPA, the State shall provide copies of some or all pretreatment permits or orders issued to Industrial Users subject to Federal Standards. The State shall incorporate any revisions requested by U.S. EPA into permits or orders issued to industries affected by Federal Standards.

(4) Within 30 days of the effective date of this agreement, the State shall provide U.S. EPA with a list of POTW control authorities meeting the criteria of 40 C.F.R. 403.8(a) which would have been required to develop pretreatment programs, had not the State elected to exercise its option under 40 C.F.R. 403.10(e) to assume pretreatment responsibilities statewide. At that time, the State shall also submit its estimated timetable for review of the sewer use ordinances and industrial inventories for each of these POTW's in order to assure that development of specific limits for discharges of prohibited pollutants under 40 C.F.R. 403.5(c) is at least as extensive as would have been required if these POTW had developed local programs. In establishing the timetable, the State shall identify those communities on the list which are expected to receive a Step two or Step three 201 grant, after the milestones established in 40 C.F.R. 35.920-3, and shall prioritize their efforts to insure that awards of these are not delayed as a result of pretreatment requirements.

requests for approval of POTW pretreatment programs shall be made to the State. The State shall forward a copy of its public notice of these submissions to U.S. EPA. If no comment is received by the State from U.S. EPA during the 30 day (or extended) evaluation period provided for in 40 C.F.R. 403.11(b) (1) (ii), the State may assume that U.S. EPA has no objection. No POTW request for revised discharge limits shall be approved by the State if during the 30 day (or extended) evaluation period, the U.S. EPA objects in writing to the approval of such submission.

(3) Section 403.13 Variances from Categorical Pretreatment Standards for Fundamentally Different Factors

The State shall conduct an initial review of all categorical pretreatment standards fundamentally different factors requests from Industrial Users. If the State's determination is to deny the request, a copy of the determination shall be forwarded to the Industrial User and also to the U.S. EPA Regional Enforcement Division Director. If the State's determination is that fundamentally different factors do exist, the request and recommendations that the request be approved shall be sent to the U.S. EPA Regional Enforcement Division Director for action. If the Director's determination differs from that of the State, the Director shall notify the State in writing indicating reasons why the determinations differ, and allow the State a reasonable amount of time to respond. The State shall be provided a copy of the Director's final determination.

(4) State and Local Pretreatment Requirements

Nothing in this agreement is intended to affect any pretreatment requirement, including any standards or prohibitions, established by State or local

Note: 40 C.F.R. 35.907 contains nine items which must be furnished with construction grant applications for communities which are subject to pretreatment requirements (as defined in 40 C.F.R. 403.8(a)). The state-wide pretreatment program as described in the program submission satisfies all these requirements with the exception of Items 4 and 7 which deal with establishment of prohibited discharge standards. State review of the sewer use ordinances and industrial inventories along with establishment of specific prohibited discharge standards, where necessary for these communities, will satisfy the requirements of 35.920-3 and assure that grant awards are not delayed.

This modification will become effective upon approval of the Administrator.

STATE AGENCY

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION I

BY

Stanley J. Pac
Stanley J. Pac
Commissioner
Department of Environmental Protection

BY

William R. Adams
William R. Adams
Regional Administrator
Environmental Protection Agency

DATE

9/16/80

DATE

Nov. 24, 1980

APPROVED

Administrator
United States Environmental Protection
Agency

DATE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

February 14, 1989

Honorable William A. O'Neill
Governor of Connecticut
State Capitol
Hartford, CT 06106

Re: Transfer of NPDES Federal Facilities Program Authority
Under Section 313 of the Clean Water Act to the State of
Connecticut

Dear Governor O'Neill:

On September 26, 1973, the State of Connecticut received authority from the U.S. Environmental Protection Agency to administer the National Pollutant Discharge Elimination System (NPDES) program. At the time Connecticut's NPDES program was approved, the Federal Water Pollution Control Act precluded states from regulating Federal Facilities. Since then amendments to the Act authorize states to issue water pollution control permits to Federal Facilities.

On April 25, 1988, the Connecticut Department of Environmental Protection (CT DEP) requested that EPA transfer authority to regulate Federal Facilities to the State of Connecticut. I have today approved of the State's request to assume this responsibility.

We are pleased to transfer the administration of the NPDES and Pretreatment programs for Federal Facilities to the State of Connecticut. EPA, Region I looks forward to working with the CT DEP to facilitate this transfer in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Deland".

Michael R. Deland
Regional Administrator, Region I

cc: Leslie Carother, Commissioner
Connecticut Department Environmental Protection

AMENDMENT
TO THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MEMORANDUM OF AGREEMENT
BETWEEN
CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION I

The Memorandum of Agreement between the United States Environmental Protection Agency, Region I (hereinafter EPA) and the Connecticut Department of Environmental Protection (hereinafter DEP) is hereby amended to include DEP and EPA responsibilities for the development, issuance and enforcement of National Pollutant Discharge Elimination System (hereinafter NPDES) general permits as follows:

The DEP has the responsibility for developing and issuing NPDES general permits. After identifying dischargers appropriately regulated by a general permit, the DEP will collect sufficient effluent data to develop effluent limitations and prepare the draft general permit.

Each draft general permit will be accompanied by a fact sheet setting forth the principal facts and methodologies considered during permit development and will be transmitted to the following EPA offices:

Water Management Division Director
U.S. EPA, Region I
J.F.K. Federal Building
Room 2203
Boston, MA 02203

Director, Office of Water Enforcement and Permits
U.S. EPA (EN-335)
401 M Street, SW
Washington, D.C. 20460

EPA will have up to ninety (90) days to review draft general permits and provide comments, recommendations and objections to the DEP. In the event EPA does object to a general permit it will provide, in writing, the reasons for its objection and the actions necessary to eliminate the objection. The State has the right to a public hearing on the objection in accordance with 40 CFR 123.44 and Part III of the MOA. Upon receipt of EPA's objection, the State may request a public hearing. If EPA's concerns are not satisfied and the State has not sought a hearing within 90 days of the objection, exclusive authority to issue the general permit passes to EPA in accordance with 40 CFR 123.44.

The general permit will be public noticed in accordance with PA 91-263 section 2, section 22a-430(b) of the Connecticut General Statutes, and section 22a-430-4(g) of the Regulations of Connecticut State Agencies. The public notice will be published in a daily or weekly newspaper circulated in the area to be covered by the permit. The DEP will issue and administer NPDES general permits in accordance with section 22a-430b of the Connecticut General Statutes, section 22a-430-4 of the Regulations of Connecticut State Agencies, and 40 CFR 122.28.

The DEP also has the primary responsibility for conducting compliance monitoring activities and enforcing conditions and requirements of general permits.

All specific State commitments regarding the issuance and enforcement of general permits will be determined through the annual 106 workplan/SEA process.

This Amendment to the Memorandum of Agreement will be effective upon approval of the DEP general permit program application by the Regional Administrator of EPA Region I.

FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION:

Timothy R. Gering
Commissioner

JAN 2, 1992
Date

FOR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

Julie Seligs
Regional Administrator
U.S. EPA, Region I

March 11, 1992
Date