



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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### PETITION 195HW STAFF REPORT

Environmental Waste Resources (EWR) is requesting a ruling that an increase of its permitted discharge flows to the Waterbury Publicly Owned Treatment Works (POTW) from 48,000 gallons per day (gpd) to an average of 100,000 (gpd) with a maximum of 120,000 (gpd) is not subject to Council jurisdiction or is not a significant change that constitutes a modification which would require a Certificate of Public Safety and Necessity from the Council.

Gloria Dibble Pond, Chairperson of the Council; Laurie Gokey, Designee for the Commissioner of Health Services; Hari Rao, Toxicologist for the Connecticut Department of Health Services; and Joel Rinebold, Executive Director of the Council, met with David J. Green and other representatives of EWR on November 3, 1987, to review the site of the proposed changes.

The purpose of the increase is to discharge groundwater pumped from the periphery of the EWR facility site. EWR anticipates that this corrective action will become a requirement imposed by the U.S. Environmental Protection Agency.

The discharge does not now, or would not as proposed, meet the Council's definition of hazardous waste. In fact, the discharge is not a RCRA activity, but is instead governed exclusively by the Federal Clean Water Act. In addition, EWR states that the increased wastewater discharge would not involve the acceptance of new hazardous waste.

EWR notes that the Connecticut DEP has approved and ordered the installation of certain additional treatment equipment. However, EWR states that said additional equipment is part of Connecticut DEP Water Compliance Unit Order WC4451, and is exempted from the jurisdiction of the Council under CGS 22a-115(9).

Nonetheless, EWR affirms that the proposed increase of wastewater discharge would not involve the construction or installation of additional storage capacity or treatment processes.

EWR contends and requests a ruling from the Council that the Council does not have jurisdiction over the proposed increase of treated, non-hazardous wastewater from the point source; or, that the proposed increase of discharge of treated, non-hazardous wastewater is not a modification that is significant to the approved design, capacity, process, or operation of EWR's hazardous waste facility, and therefore, would not require a Certificate of Public Safety and Necessity.

JMR/kd

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