



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER PROTECTION AND LAND REUSE
INLAND WATER RESOURCES DIVISION
860-424-3706**

General Permit for Diversion of Remediation Groundwater

Issuance Date: October 26, 2006

Printed on recycled paper

General Permit for Diversion of Remediation Groundwater

Table of Contents

Section 1. Authority	3
Section 2. Definitions	3
Section 3. Authorization Under This General Permit	4
(a) Eligible Diversion	4
(b) Requirements for Authorization.....	5
(c) Geographic Area.....	6
(d) Effective Date and Expiration Date of this General Permit	6
(e) Effective Date of Authorization	6
(f) Revocation of an Individual Permit	7
(g) Issuance of an Individual Permit	7
Section 4. Operating Conditions of This General Permit	7
(a) Monitoring and Recording Requirements.....	7
(b) Pollution Prevention/Best Management Practices.....	7
(c) Reporting and Record Keeping Requirements.....	8
(d) Duty to Correct and Report Violations	9
Section 5. General Conditions	9
(a) Duty to Provide Information	9
(b) Certification of Documents	9
(c) Date of Filing	10
(d) False Statements	10
(e) Correction of Inaccuracies	10
(f) Other Applicable Law	10
(g) Other Rights	10
Section 6. Commissioner’s Powers	11
(a) Abatement of Violations	11
(b) General Permit Modification	11
(c) General Permit Revocation or Suspension	11
(d) Filing of an Individual Permit Application	11

General Permit for Diversion of Remediation Groundwater

Section 1. Authority

This general permit is issued under the authority of section 22a-6 and 22a-378a of the General Statutes.

Section 2. Definitions

The definitions of terms used in this general permit shall be defined as they are in section 22a-367 of the General Statutes. For purposes of this general permit, the following definitions shall also apply:

“*Authorized activity*” means any activity authorized by this general permit.

“*BMP*” or “*best management practice*” means a practice, procedure, structure or facility designed to prevent or minimize environmental damage, or to maintain or enhance existing environmental quality. Best management practices may include, but are not limited to: erosion and sedimentation controls; proper disposal of waste materials; practices or structures to minimize the generation of waste; treatment requirements; operating procedures; practices to control site runoff, drainage, spillage or leaks of contaminated material; practices to minimize or avoid adverse impacts to wetlands, watercourses, fish, wildlife, and nearby wells; protection of sources of drinking water; and protection of streamflow and aquatic life.

“*Commissioner*” means the commissioner of environmental protection as defined in section 22a-367 of the General Statutes.

“*Department*” means the department of environmental protection.

“*Destruction or adverse modification of essential habitat*” means destruction or adverse modification of habitat as defined in section 26-304 of the General Statutes.

“*Diversion*” means diversion as defined in section 22a-367 of the General Statutes.

“*Divert*” means divert as defined in section 22a-367 of the General Statutes.

“*Eligible diversion*” means a diversion described in Section 3(a) of this general permit which meets all the requirements for authorization listed in Section 3(b) of this general permit.

“*Endangered species*” means endangered species as defined in section 26-304 of the General Statutes.

“*General statutes*” means the Connecticut General Statutes.

“*Individual permit*” means a permit issued to a named person or municipality under section 22a-368(b) of the General Statutes.

“*Municipality*” means municipality as defined in section 22a-367 of the General Statutes.

“*Permittee*” means any person who or municipality which initiates, creates, originates or maintains a diversion in accordance with Section 3 of this general permit.

“*Person*” means person as defined in section 22a-423 of the General Statutes.

“*Recovery well*” means a well used to pump contaminated groundwater.

“Remediation groundwater” means groundwater or collected drainage, groundwater seepage, or runoff diverted during the process of investigating or remediating polluted groundwater or soil. Remediation groundwater includes without limitation groundwater withdrawn from a recovery well; water which collects in an excavation, foundation drain or other subsurface facility or structure; well development; well purging or sampling water; diversions associated with washdown or backwash of/from treatment systems necessary to remediate the groundwater or soil; well point dewatering of an area for soil remediation purposes and diversions associated with the maintenance of a remediation system or a soil vapor extraction system.

“Remote site” means a site on which groundwater remediation equipment is installed and operates, but on which the permittee does not maintain other commercial or industrial activities.

“Site” means geographically contiguous land on which an authorized activity takes place or on which an activity for which authorization is sought under this general permit is proposed to take place. Non-contiguous land or water owned by the same person and connected by a right-of-way which such person or municipality controls and from which the public is excluded shall be deemed the same site.

“Species of special concern” means species of special concern as defined in section 26-304 of the General Statutes.

“Threaten the continued existence” means threaten the continued existence as defined in section 26-304 of the General Statutes.

“Threatened species” means threatened species as defined in section 26-304 of the General Statutes.

“Tidal wetland” means wetland as defined by section 22a-29 of the General Statutes.

“Watercourse” means watercourse as defined in section 22a-38 of the General Statutes, including those waters designated as Coastal Waters as defined by section 22a-93 of the General Statutes.

“Waters” means waters as defined in section 22a-367 of the General Statutes.

“Well development” means the pumping of a well to accomplish the removal of scale or other fine materials from its sides.

“Well point dewatering” means the process of dewatering an area, including an excavation, by pumping a well or wells located outside of such area.

“Well purging” means removing standing water from a well to encourage inflow of surrounding groundwater.

“Wetlands” means wetlands as defined in section 22a-38 of the General Statutes.

Section 3. Authorization Under this General Permit

(a) *Eligible Diversion*

The following diversion is authorized by this general permit, provided the requirements of subsection (b) of this section are satisfied:

Any diversion of remediation groundwater greater than fifty thousand (50,000) gallons during any twenty four hour period diverted or withdrawn to prevent, intercept, or treat a known or suspected contamination or pollution plume, or well point de-watering as part of soil remediation activities, provided that any site with a diversion of remediation groundwater, has in effect a valid discharge permit issued by the commissioner pursuant to section 22a-430 or 22a-430b of the General Statutes, or a temporary or emergency authorization issued by the commissioner pursuant to section 22a-6k of the General Statutes.

No other diversion of groundwater is authorized by this general permit. A person who, or municipality which, initiates, creates, originates or maintains a diversion not authorized by this general permit shall first apply for and obtain authorization under section 22a-368 or 22a-378a of the General Statutes.

(b) *Requirements for Authorization*

This general permit authorizes a diversion comprised solely of remediation groundwater or recovery well, provided that the following requirements are met:

(1) Water Resources

Such diversion causes and will cause only minimal adverse impacts individually, and only minimal adverse impacts cumulatively, on the environment, including without limitation, wetlands, watercourses, and fish and wildlife habitat.

(2) Coastal Area Management

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

(3) Endangered, Threatened, or Species of Special Concern

Neither such diversion nor the installation or operation of any withdrawal facility or any piping or other equipment associated with the diversion of such remediation groundwater threatens the continued existence of any species listed pursuant to section 26-306 of the General Statutes as endangered, threatened or species of special concern or results in the destruction or adverse modification of habitat essential to such species in accordance with section 26-310 of the General Statutes.

(4) Water Quality Standards

Such diversion does not and will not adversely affect existing or designated uses of the waters of the state as such uses are described in Connecticut's Water Quality Standards adopted pursuant to section 22a-426 of the General Statutes.

(5) Drinking Water Supply Sources

Such diversion does not and will not adversely affect the production capacity, yield, or water quality of any public water supply or any other source of drinking water supply.

(6) Discharge Permit

Any site with a diversion of remediation groundwater, has in effect a valid discharge permit issued by the commissioner pursuant to section 22a-430 or 22a-430b of the General Statutes, or a temporary or emergency authorization issued by the commissioner pursuant to section 22a-6k of the General Statutes.

(7) Flood Hazards

Such diversion does not and will not cause or contribute to flooding or flood hazards, permanently obstruct a floodway, or interfere with federal, state or local flood management efforts, and does and will comply with the National Flood Insurance Program requirements.

(8) Solid Waste Disposal

If such site is a solid waste disposal area, as defined in section 22a-207 of the General Statutes, for which the department has required that a groundwater monitoring plan be approved by the commissioner, the commissioner has approved such a plan.

(9) Sections 22a-133x and 22a-133y

Any site diverting or discharging remediation groundwater shall be authorized pursuant to sections 22a-133x and 22a-133y of the General Statutes as applicable.

(10) Local Authorization

Any local authorizations required for such a diversion or associated activities have been obtained.

(c) *Geographic Area*

This general permit applies throughout the State of Connecticut.

(d) *Effective Date and Expiration Date of this General Permit*

This general permit is effective on the date it is issued by the commissioner and expires ten years from such date.

(e) *Effective Date of Authorization*

An activity is authorized by this general permit on the date the general permit becomes effective or on the date the activity is initiated, whichever is later.

(f) *Revocation of an Individual Permit*

If an activity meets the requirements of authorization of this general permit and such activity is presently authorized by an individual permit, the existing individual permit may be revoked by the commissioner upon a written request by the permittee. If the commissioner revokes such individual permit in writing, such revocation shall take effect on the effective date of authorization of such activity by this general permit.

(g) *Issuance of an Individual Permit*

If the commissioner issues an individual permit authorizing an activity authorized by this general permit, this general permit shall cease to authorize that activity beginning on the date such individual permit is issued.

Section 4. Operating Conditions of This General Permit

(a) *Monitoring and Recording Requirements*

- (1) All eligible diversions occurring during any twenty four hour period, shall have flow monitoring equipment installed or devices capable of recording total daily flow. The withdrawal or diversion of remediation groundwater in excess of 50,000 (fifty thousand) gallons during any twenty-four hour period shall be individually monitored in the case of a single well, or collectively in the case of multiple recovery wells or well point operating as part of a remediation dewatering system.
- (2) Appropriate flow measurement devices consistent with accepted scientific practices shall be selected and used to ensure accuracy and reliability of measurements of the volume of diverted water. The devices shall be installed, calibrated, and maintained to ensure accuracy of the measurements is consistent with the accepted capability of that type of device. The permittee shall continuously operate and maintain such flow measurement devices in good working order.
- (3) For diversions at remote sites, the permittee shall secure such flow measurement device(s) in a locked facility, with access controlled solely by the permittee or the permittee's designee.
- (4) The permittee shall keep on file diversion withdrawal reports. The permittee shall use the form prescribed by the commissioner in the General Permit for the Discharge of Groundwater Remediation Wastewater to Surface Water, and the General Permit for the Discharge of Groundwater Remediation Wastewater to a Sanitary Sewer, respectively, pursuant to 22a-430 or 22a-430b of the General Statutes to record the daily quantity of water that is diverted pursuant to this general permit.

(b) *Pollution Prevention/Best Management Practices*

- (1) **Disposing of Waste and Excess Material Properly**

Solid waste, including but not limited to contaminated soils or sludges, may be generated as a result of the remediation activity allowed by this general permit. All waste generated must be disposed of in accordance with applicable federal, state and

local law. Some or all of these wastes may be hazardous waste identified in accordance with section 3001 of the Federal Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or other wastes of special concern requiring department approval prior to disposal. It is the responsibility of the permittee to ensure that all wastes generated are properly identified and that all necessary department approvals are secured prior to disposal of the wastes.

(2) Controlling Erosion

The permittee shall install and maintain in optimal condition erosion and sediment controls to prevent erosion and the discharge of material into any waters of the state, including wetlands, tidal wetlands or watercourses, as a result of such diversion or any construction, treatment or activity associated therewith. Such erosion and sedimentation controls shall be installed and maintained in conformity with the Connecticut Guidelines for Soil Erosion and Sediment Control as amended, published by the Connecticut Council on Soil and Water Conservation pursuant to section 22a-328 of the General Statutes.

(3) Litter, Debris

No litter, debris, building materials, or similar materials from the site shall be discharged to the waters of the state, tidal wetlands, wetlands or watercourses.

(4) Inspections

The permittee shall conduct routine inspections of all equipment associated with the diversions authorized by this general permit. Inspections shall be conducted as necessary to insure proper operation of all equipment. A log shall be maintained on-site documenting the date of inspection, inspector's name, verification of operation of critical equipment, and a summary of any work or change in equipment associated with the diversions authorized by this general permit.

(c) Reporting and Record Keeping Requirements

- (1) Except as provided below, or as otherwise specified in writing by the commissioner, all information required under this general permit shall be retained at the subject site, or be readily available on request.
- (2) The permittee shall maintain a copy of this general permit on site at all times.
- (3) The permittee shall retain copies of all records and reports required by this general permit, and records of all data used to compile these reports for a period of at least ten years from the date such data was generated or report created whichever is later.

(d) *Duty to Correct and Report Violations*

- (1) The permittee shall immediately cease the diversion and immediately notify the department by phone as soon as it knows or has reason to believe that the diversion or withdrawal of remediation groundwater could be reasonably expected to cause significant adverse effects on the water resources of the state of Connecticut or threatens the continued existence of any species listed pursuant to section 26-306 of the General Statutes as endangered, threatened or species of special concern or results in the destruction or adverse modification of habitat designated as essential to such species in accordance with section 26-310 of the General Statutes. The permittee shall, within five (5) days of becoming aware of such occurrence, submit written notification to the department. Such report shall be certified in accordance with Section 5(b) of this general permit.
- (2) Immediately upon learning of a violation of a condition of this general permit or of any of the requirements for authorization of Section 3(b) of this general permit, the permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further such violation, and report in writing such violation and such corrective action to the commissioner within five (5) days of the permittee learning of such violation. Such report shall be certified in accordance with Section 5(b) of this general permit.
- (3) Any written notification required pursuant to this general permit shall be directed to:

ENFORCEMENT AND COMPLIANCE SECTION
INLAND WATER RESOURCES DIVISION
BUREAU OF WATER PROTECTION AND LAND REUSE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

Section 5. General Conditions

(a) *Duty to Provide Information*

If the commissioner requests any information pertinent to the authorized activity or to compliance with this general permit, the permittee shall provide such information in writing within thirty (30) days of such request. Such information shall be certified in accordance with the “Certification of Documents” requirements prescribed in Section 5(b) of this general permit.

(b) *Certification of Documents*

Any document, including but not limited to any notice, information or report, which is submitted to the commissioner under this general permit shall be signed by the permittee or a duly authorized representative of the permittee, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.”

(c) *Date of Filing*

For the purposes of this general permit, the date of filing with the commissioner of any document is the date such document is received by the commissioner. The word “day” as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

(d) *False Statements*

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with section 22a-6, under section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

(e) *Correction of Inaccuracies*

Within fifteen days after the date a permittee becomes aware of a change in any information in any material submitted pursuant to this general permit, or becomes aware that any such information is inaccurate or misleading or that any relevant information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be certified in accordance with Section 5(b) of this general permit.

(f) *Other Applicable Law*

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

(g) *Other Rights*

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

Section 6 Commissioner's Powers

(a) *Abatement of Violations*

The commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with sections 22a-3a-2 through 22a-32-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the commissioner by law.

(b) *General Permit Modification*

The commissioner reserves the right to make appropriate revisions to this general permit in order to establish any appropriate diversion limitations, conditions, schedules of compliance, or other provisions which may be necessary to adequately protect human health or the environment.

(c) *General Permit Revocation or Suspension*

The commissioner may for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit as may be necessary to adequately protect human health or the environment.

(d) *Filing of an Individual Application*

If the commissioner notifies a permittee in writing that such permittee must obtain an individual permit if the permittee wishes to continue lawfully conducting the activity authorized by this general permit, the permittee may continue conducting such diversion only if the permittee files an application for an individual permit within thirty (30) days of receiving the commissioner's notice. While such application is pending before the commissioner, the permittee shall comply with the terms and conditions of this general permit. Nothing herein shall affect the commissioner's power to revoke a permittee's authorization under this general permit at any time.

Issued Date: October 26, 2006

GINA McCARTHY
Commissioner

This is a true and accurate copy of the general permit executed on October 26, 2006 by the Commissioner of the Department of Environmental Protection.