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Commercial/Industrial/Institutional ("CII") Stormwater Sources: Conservation Law Foundation Petition to Conn. Department of Energy and Environmental Protection for Residual Designation

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The Conservation Law Foundation ("CLF") submitted a December 9th Petition to the Connecticut Department of Energy and Environmental Protection ("CDEEP") styled:

Re: Petition for a Determination that Certain Commercial, Industrial, and Institutional Property Dischargers Contribute to Water Quality Standards Violations in Subwatersheds of the Naugatuck River, Mad River, and Still River in Litchfield County, Connecticut, and that NPDES Permitting of Such Properties is Required ("Petition")

The *Petition* requests that CDEEP make a determination pursuant to 40 C.F.R. § 122.26(f)(2) that certain stormwater discharges not currently permitted under the Clean Water Act National Pollution Discharge Elimination System ("NPDES") program from privately owned commercial, industrial, and institutional real properties of half an acre or greater are contributing to a violation of a water quality standard or are significant contributors of pollutants to the:

- East and West Branches of the Naugatuck River
- Naugatuck River
- Mad River
- Still River

The discharges are therefore argued to require permits under the NPDES system.

CII sites might include shopping centers, malls, employee parking lots, office buildings, etc.

The United States Environmental Protection Agency ("EPA") and most states have traditionally not applied the NPDES permitting program to CII sites.

Significant stormwater can be generated in the urban environment. Rain falling on impervious surfaces (i.e., concrete and asphalt) becomes runoff. The runoff mobilizes the pollutants as it flows into storm sewers and waterways.

Any person may petition EPA to request that a stormwater discharge be required to obtain an NPDES permit.

CLF argues that stormwater pollution poses a threat across New England to its rivers, lakes, and streams. It cites stormwater flows from parking lots, roads, and other impervious surfaces as sources of pollutants, trash, and pathogens into Connecticut waters. The organization further argues that nonpoint source pollution, stormwater pollution:

. . . is now the source of the greatest number of water quality impairments in Connecticut and nationwide.

This is further argued to be exacerbated by climate change, which is stated to be contributing to heavy and more frequent rainfall in Northeastern states such as Connecticut.

As a result, CLF argues that CDEEP should use its Clean Water Act residual designation authority to address the water quality impairments:

. . . caused in whole or in part by stormwater discharges, including the impaired waterbodies at issue in this petition.

A copy of the Petition can be downloaded [here](#).