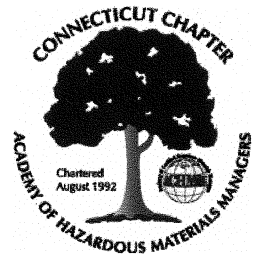


**Connecticut Chapter
of the
Academy of Certified Hazardous Materials Managers**

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July 12, 2007

Mr. James Creighton
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106

Re: Status Conference of June 21, 2007 regarding two Draft General Permits:
A) Discharge of Groundwater Remediation Wastewater to a Sanitary Sewer
B) Discharge of Minor Printing and Publishing Wastewater

Letter in Support of the Certifications in the Draft General Permits

Dear Mr. Creighton:

We understand that CT DEP is in the process of re-issuing two general wastewater discharge permits which have expired. The general permits are Discharge of Groundwater Remediation Wastewater to a Sanitary Sewer and Discharge of Minor Printing and Publishing Wastewater.

Further to the Status Conference held at the DEP offices in Hartford, CT on June 21, 2007 we are writing to inform you that the CT Academy of Certified Hazardous Materials Managers (CT ACHMM) is in full support of the inclusion of CHMM's in the certification language as written in the draft general permits referenced above and as detailed in our comments below.

CT ACHMM will be in attendance at the Pre-hearing conference scheduled for Thursday August 16, 2007 at 1:00 PM in the Russell hearing room, 79 Elm Street, Hartford, CT and at the Public Hearing scheduled for Monday, September 10 at 9AM at the same location to support the draft permits and certification language as written.

CT ACHMM will be supplying a further letter supporting the certification language before the August 16, 2007 Pre-hearing. We will be recommending among other things, that the definition of a CHMM be incorporated into both draft permits in the same manner as it is currently included in several other existing general permits.

Very truly yours,

Gene Metti, CHMM
Chapter President

Comments:

CT ACHMM believes that CHMM's are qualified to perform the certifications as written in the draft general wastewater discharge permits regarding Discharge of Groundwater Remediation Wastewater to a Sanitary Sewer and Discharge of Minor Printing and Publishing Wastewater. CHMM's are currently performing similar certifications in other general permits.

The CHMM credentialing organization, the Institute of Hazardous Materials Management (IHMM), is accredited by the Council of Engineering and Scientific Specialty Boards (CESB). CHMM's must be re-certified every 5 years through attainment of certification maintenance points. The CHMM exam is rigorous and requires knowledge in a broad range of environmental subjects, including environmental laws and regulations, major environmental regulatory programs, science and technology including engineering technology and treatment methods, data collection and analysis, statistical methods, waste stream management for air, water, hazardous waste, toxics and resource recovery. To sit for the exam, a bachelors degree in a field related to hazardous materials management/engineering plus 7 years experience to attain the Master level or 3 years experience for the Senior level is required (see www.ihmm.org and www.ctachmm.org)

We understand that some professional engineers have taken issue with the inclusion of CHMM's and other entities, other than themselves, into the draft general permits referenced above to perform the certifications as written, and have requested a public hearing.

We further understand from the PE comments dated March 27, 2007 that PE's believe that acts of evaluation, specification, design, installation or modification can only be performed by PE's and that certifying documents for the proposed general permits can only be performed by PE's.

The certifications included in the general permits deal with certifying that proper **operation and maintenance** and/or that **appropriate modifications** to existing previously designed systems will meet permit conditions, or certifying that the discharge as well as any other authorized discharges generated at the subject site, comply with effluent limitations and other conditions of the *General Permit*. CT ACHMM believes CHMM's can make these certifications based on their education, training and experience and their review of applicable screening forms, historic land use, water and chemical analyses, engineering and/or hydro-geologic reports, plans and specifications, and actions taken to prevent further violations.

The detailed certification language in the draft permits is as follows:

A) Draft General Permit for the Discharge of Groundwater Remediation Wastewater to a Sanitary Sewer

Certification in Section 5: Registration Requirements

- (c) Contents of Registration
- (2) Registration Form
- (R)

For any discharge, the following certification, signed by a professional engineer, licensed to practice in Connecticut, **a certified hazardous materials manager, or a licensed environmental professional:**

“I certify that in my professional judgment, proper operation and maintenance of any system installed to treat the discharges which are the subject of this registration will ensure that all effluent limitations and other conditions in the *General Permit for the Discharge of Groundwater Remediation Wastewater to a Sanitary Sewer* issued on August 13, 1996 and reissued on Month XX, 2007 will be met. This certification is based in part on my review of the information contained in the screening requirement form completed for the discharges and attached to this registration and, if applicable, a review of the historic land use of the site, and on any other water analyses associated with the discharges, and on engineering and/or hydro-geologic reports and/or plans and specifications describing (1) the proposed activities and (2) any proposed treatment facilities for the wastewater to be discharged. I am aware that there are significant penalties for false statements in this certification, including the possibility of fine and imprisonment for knowingly making false statements.”

Certification in Section 6: Permit Terms and Conditions

(e) Recording and Reporting Violations

(3) Immediately after the third simultaneous or consecutive, or fourth annual violation, as applicable, the discharge shall be stopped and shall not be resumed until the permittee submits a report prepared by a professional engineer licensed to practice in Connecticut, **a certified hazardous materials manager, or a licensed environmental professional.** Such report shall describe actions which have been taken to prevent further violations of this general permit. The report shall contain the following certification signed by a professional engineer licensed to practice in Connecticut, **a certified hazardous materials manager, or a licensed environmental professional:**

“I certify that in my professional judgment that appropriate modifications and/or additions have been made to the system designed to treat the discharges of groundwater remediation wastewater at the site, and that all discharges of groundwater remediation wastewater at the site comply with all conditions of said permit, including but not limited to all effluent limitations in Sections 6(a) and 6(b) and Attachment A of the *General Permit for the Discharge of Groundwater Remediation Wastewater to a Sanitary Sewer*, and proper operation and maintenance of any system installed to treat such discharges will insure that all effluent limitations and other conditions in such general permit are met, or if there is no treatment system for such discharges, that appropriate modifications have been made to the operations at the site and the discharges will meet all effluent limitations and conditions of such general permit without treatment. I am aware that there are significant penalties for false statements in this certification, including the possibility of fine and imprisonment for knowingly making false statements.”

B) Draft General Permit for the Discharge of Minor Printing and Publishing Wastewater

Certification in Section 4: Registration Requirements

(c) Contents of Registration

(2) Registration Form

(I)

The following certification, for any facility discharging treated silver rich photo processing wastewater, signed by a silver recovery equipment manufacturer or vender, silver or photo processing trade association, **certified hazardous materials manager**, professional engineer licensed to practice in Connecticut, registered environmental professional or registered environmental manager listed with the National Registry of Environmental Professionals:

"I certify that in my professional judgment the proper operation and maintenance of any treatment system, including any silver recovery system, installed to treat photo processing wastewater will ensure that all silver effluent limitations specified in Section 5(b) and silver recovery system performance/removal rates specified in the *General Permit For The Discharge Of Minor Printing and Publishing Wastewater* issued on month dd, 2007 are met. This certification is based on my review of engineering reports and/or plans and specifications describing (1) the proposed activities and (2) the proposed treatment system for the wastewaters to be discharged. This certification is also based on any available wastewater sampling data associated with this discharge. I am aware that there are significant penalties for false statements in this certification, including the possibility of fine and imprisonment for knowingly making false statements."

Certification in Section 5: Conditions of General Permit

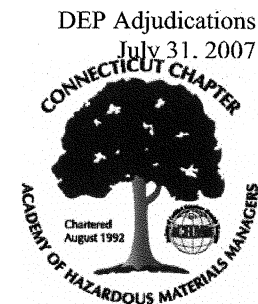
(e) Recording and Reporting Violations

(2) If analysis of a single sample shows three or more violations of any of the requirements of this general permit, or cumulatively three or more such violations are shown by successive sampling events, or four or more such violations occur during any calendar year, within 60 days of this determination the permittee shall deliver to the applicable POTW Authority and to the commissioner, a written report **prepared by a certified hazardous materials manager** or a professional engineer licensed to practice in Connecticut. Such report shall describe in detail all actions that have been taken with respect to the subject discharge and/or subject site to prevent any further violations of this general permit. Such report shall include the following certification by **such manager** or engineer:

"I certify that in my professional judgment the discharge which is the subject of this report, as well as any other authorized discharges generated at the subject site, comply with all effluent limitations and other conditions of the *General Permit for the Discharge of Minor Printing and Publishing Wastewater*, and that proper operation and maintenance of any equipment or system to treat each discharge will ensure that all such conditions are met or, if there is no such equipment or system, each such discharge will meet all such conditions without treatment. This certification is based in part on my review of chemical analyses of at least three grab samples collected, handled, and analyzed in accordance with 40 CFR Part 136, where the samples were representative of such discharge during routine operating conditions and were taken at least one week apart following the implementation of measures to correct any violations of the requirements of this general permit. I understand that a false statement made in this report, including all attachments thereto, or in this certification may, pursuant to Section 22a-6 of the General Statutes, be punishable as a criminal offense under Section 53a-157b of the General Statutes, and may also be punishable under Section 22a-438 of the General Statutes and any other applicable law."

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July 31, 2007

TO: dep.adjudications@po.state.ct.us

CC: james.creighton@po.state.ct.us, donald.gonyea@po.state.ct.us

RE: Comments - Draft General Permit
Groundwater Remediation Wastewater to Sanitary Sewer
Minor Printing and Publishing Wastewaters

To Whom It May Concern:

I am writing in support of the inclusion of Certified Hazardous Materials Managers (CHMMs) as certifying parties in General Permits. I understand that certain Professional Engineers have protested the inclusion of the CHMM credential on the grounds that the certification requires engineering expertise. I've prepared this letter to discuss three points in support of the inclusion of the CHMM certification on these permits:

1. A review of the history behind the original inclusion of the CHMM credential;
2. A discussion of the engineering considerations of the proposed certification; and,
3. The regulatory background for certifications with regard to General Permits.

History

As an active member of the Board of Directors of the Connecticut Chapter of the Academy of Certified Hazardous Materials Managers ("CTACHMM"), I have the experience of several years discussing the CHMM credential with the CT DEP and feel that I can shed some light on CT DEP's initial inclusion of the credential in General Permits.

The CTACHMM originally met with Assistant Director Dick Mason and Randy May to discuss the inclusion of the credential as a certifying body in 1999. We held follow-up meetings that included Director Harder and Mr. Grier in 2000. During these meetings we discussed:

- The credential itself and the requirements necessary to be certified;
- The certifying process including the education, experience, references, code of ethics and testing process;
- The continuing education, recertification process and decertification process;
- The Institute of Hazardous Materials Management (IHMM) and their role as the independent certifying body responsible for certification, disciplinary actions, and decertification; and,
- The accreditation of the CHMM program by the Council of Engineering and Scientific Specialty Boards (CESB).

During these meetings it was made clear to CTACHMM representatives that the CT DEP would support the inclusion of CHMMs in permits provided that we could demonstrate that CT DEP had some avenue to pursue disciplinary actions for abusers of the certification. At that time Mr. Mason described difficulties with inaction resulting from referrals to the Professional Engineer Review Board. Mr. Robert Tietler, the Executive Director of the IHMM, reviewed the disciplinary and decertification processes in detail, including up-to-date statistics describing those individuals who had been 'decertified.'

Since those meetings the CHMM credential has been included on the following General Permits and regulatory programs:

- Aquifer Protection Regulations
- General Permit for the Discharge of Stormwater Associated with Industrial Activity
- General Permit for Miscellaneous Sewer Compatible Wastewater
- General Permit for the Discharge of Groundwater Remediation Wastewater Directly to Surface Water
- General Permit for the Discharge of Vehicle Maintenance Wastewater
- DRAFT Underground Storage Tank Petroleum Clean-Up Account (USTPCA) Compliance Evaluation Forms (annual submission)

It is my understanding that inclusion of the CHMM certification in these instances has been successful and without incident.

To help clarify the term CHMM, we are recommending that the term Certified Hazardous Materials Manager (CHMM) be included in the definition section of these permits in a similar manner as has been included in other General Permits. For example, the definition of CHMM in the General Permit for Miscellaneous Sewer Compatible Wastewater is as follows: "*Certified Hazardous Materials Manager*" or "*CHMM*" means a person who has gained recognition as a certified hazardous materials manager in accordance with the requirements developed and administered by the Institute of Hazardous Materials Management."

Engineering Considerations

As outlined by the current CTACHMM Chapter President Mr. Gene Metti in the comment section of his letter dated July 12, 2007 to James Creighton, these General Permit certifications are focused on operation and maintenance, modifications to wastewater treatment systems and certifying discharges are in compliance with permit conditions. These are not certifications of engineering design and therefore should not require engineering certifications to the exclusion of other environmental professionals.

Furthermore, it should be noted that the CHMM code of ethics prohibits members of the ACHMM to provide certification to those programs which they deem to be out of their particular practice area or area of expertise, such as engineering design. Such a certification would subject the certifier to disciplinary actions or decertification.

Additionally, we note that CT DEP does not require engineering certifications when permit modification requests are made relative to permitted wastewater treatment systems which have been issued.

Regulatory Considerations

The State of Connecticut wastewater regulations reference Professional Engineers in that the Commissioner "may require" submitting engineered drawings with applications for individual permits (drawings for collection and treatment systems) for discharges.

Regulations of Connecticut State Agencies (RCSA) 22a-430-4(c)(16) reads as follows: "A complete description of all collection and treatment facilities proposed or provided, including drawings to scale, describing in detail the existing or proposed means of complying with the applicable effluent limitations and conditions in subsection (1) of this section and section 22a-430-3 of the Regulations of Connecticut State Agencies. The commissioner may require that such drawings be prepared by an engineer licensed to practice in the State of Connecticut. Plans and specifications previously submitted and approved by the commissioner may be incorporated by reference, and shall be deemed to be a part of the current application."

The General Permits in question reference sections of RCSA which are incorporated into the General Permits. Upon review of several of the existing General Permits, there is no reference to the section which incorporates Professional Engineers. These General Permits reference sections in 22a-430-4 are Subsections (t) and (p).

Furthermore, the statute (22a-430 b. General Permits) that authorizes the Commissioner of the DEP to create General Permits does not contemplate Professional Engineers or any other certifying body. As such, based on the Connecticut General Statutes and the RCSA regulations, there appears to be no legal obligation on the part of the CT DEP to include only Professional Engineers in the process of certifying General Permits.

In conclusion, the CHMM credential is both appropriate and successful as a certifying party for Connecticut General Permits. Engineered drawings are not contemplated nor required for the two draft General Permits in question. And, finally, contrary to the supposition put forth by several Professional Engineers, the CT DEP is in no way obligated to use Professional Engineers as a certifying party on these permits.

I look forward to discussing this further at any public hearing that may be held. In the mean time, feel free to contact me in my office at 860.306.6700.

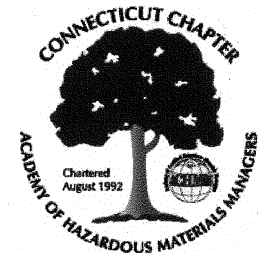
Sincerely,



Dominick Zackeo, CHMM
Director at Large
Connecticut Chapter of ACHMM Inc.

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August 28, 2007

MS. JANICE B. DESHAIS, DIRECTOR
HEARING OFFICER,
OFFICE OF ADJUDICATIONS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106

RE: COMMENTS – REVISED DRAFT GENERAL PERMITS, ISSUED AUGUST 21, 2007
Discharge Of Groundwater Remediation Wastewater To A Sanitary Sewer
Discharge Of Minor Printing And Publishing Wastewaters

Dear Ms. Deshais:

I am writing on behalf of the Connecticut Chapter of ACHMM Inc.,
(CTACHMM Inc.) that represents Certified Hazardous Materials Managers
(CHMMs) in Connecticut.

We have a few recommendations regarding the suggested “common ground
language” changes proposed by CT DEP to the draft permits on August 21
following the short working session associated with the pre-hearing of August
16, 2007.

While we continue to support the language as originally proposed by CT DEP
in the draft permits, in an effort to support a resolution of outstanding issues, we
suggest that the common ground language proposed in the Contents of
Registration for the Minor Printing and Publishing Wastewater General Permit
(Section 4, Paragraph (c) 3 (I)) incorporate the proposed modifications
underlined below:

For any facility discharging treated silver rich photo processing wastewater
through a pre-engineered treatment system integrated with a packaged photo-
development system employing common silver recovery technology such as
electrolysis, metallic replacement (using metallic recovery cartridges) or
precipitation the following certification signed by a silver recovery equipment
manufacturer or ~~vendor~~ vendor, silver or photo processing trade association,
certified hazardous materials manager, professional engineer licensed to practice
in Connecticut, registered environmental professional or registered environmental
manager listed with the National Registry of Environmental Professionals.

It is our opinion that both of the proposed General Permits will continue to be a quicker and more cost effective way to regulate minor activities for both the Connecticut Department of Environmental Protection (CTDEP) and the applicant. According to the American Council of Engineers¹, there is a shortage of engineers in the country and it is becoming "more difficult ... to find qualified engineers." The incorporation of licenses and certifications from the environmental profession with comparable levels of competency in the proper management of hazardous materials ensures that a greater body of qualified professionals are available to be called upon to assist the state and regulated community as needed in certifying compliance so that aspects of the proposed permitting process will function expeditiously, as intended.

It is also our opinion that these permits meet the CTDEP's primary responsibility of conserving, improving and protecting the natural resources and environment and controlling pollution in order to enhance the health, safety and welfare of the people of the State. The General Permits have set terms and conditions for conducting an activity that, when complied with, meet the above standard. In addition, the permits require approval prior to initiation of the regulated activity, and CTDEP has the opportunity to review and incorporate site-specific conditions in addition to those already contained in the general permit, as necessary and appropriate. It is also important to note that CTDEP can regulate the discharge under an individual permit if they feel additional review is necessary. Furthermore, CTDEP may require the submission of engineered drawings with individual permit applications. Since CTDEP ultimately is responsible for the review and approval of any individual engineered system; they should be considered qualified to make the determination whether a regulated discharge has the appropriate level of treatment under the general permit program.

By definition, the CTDEP has determined that these regulated discharges are minor in nature; consequently, the use of pre-engineered components, if necessary, will be sufficient to meet the permit requirements. We disagree with the idea that the use of pre-engineered treatment components rises to the level of designing a treatment system or practicing engineering. The components have been designed and constructed under the supervision of an engineer to meet specific performance criteria. The permit certifications contemplate that the certifying party will review any available information, which would include representations from the pre-engineered component manufacturer and its design engineer. As such, the placement and operation of a pre-engineered system is not, in itself, practicing engineering.

We also disagree with the idea that these permit certifications authorize engineering by unlicensed individuals. Although an appropriately designed system can be regulated under these General Permits, a designed treatment system is not required. These General Permits can be used to regulate minor discharges that do not require treatment by a system designed by a professional engineer. As previously stated, we do not believe the

¹ American Council of Engineers Testimony Before The Governor's Commission On The Reorganization Of The Department Of Transportation, Presented By Paul W. Brady, ACEC Executive Director, August 11, 2007

use of pre-engineered systems meets the standard of practicing engineering. Therefore, it is our opinion that these General Permits do not conflict with Connecticut General Statutes (CGS) Section 20-302 that prohibits design of a treatment system by unlicensed individuals.

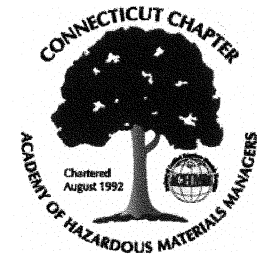
In summary, the members of CTACHMM Inc. believe that the subject General Permits are a quicker, more cost effective way to regulate minor activities while controlling pollution in order to enhance the health, safety and welfare of the people of the State. As such, these permits should be approved.

Respectfully Submitted,

Stuart S. Manley, LEP, CHMM
Connecticut Chapter of ACHMM Inc.

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September 24, 2007

MS. JANICE B. DESHAIS, DIRECTOR
HEARING OFFICER,
OFFICE OF ADJUDICATIONS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106

RE: PUBLIC HEARING ON DRAFT GENERAL PERMITS
STATEMENT OF GENE METTI
Discharge Of Groundwater Remediation Wastewater To A Sanitary Sewer
Discharge Of Minor Printing And Publishing Wastewaters

Dear Ms. Deshais:

Good morning, my name is Gene Metti and I am the President of the CT Chapter of the Academy of Certified Hazardous Materials Managers (CT ACHMM for short). I live in Danbury CT and work out of Shelton, CT.

Certified Hazardous Materials Managers (CHMM's) are EHS professionals credentialed through the Institute of Hazardous Materials Management (IHMM). The CHMM credential is accredited by the Council of Engineering and Scientific Specialty Boards (CESB). CHMM's must be re-certified every 5 years through attainment of re-certification maintenance points.

The Academy of Certified Hazardous Materials Managers is an organization of professionals with expertise in environmental, health and safety (EHS) management and science. CT ACHMM is the local affiliate of the Academy. The CT Chapter currently has 70 active members and our chapter mailing address is in East Glastonbury, CT.

CT ACHMM is in attendance today to support the draft general wastewater permits that are the subject of this hearing.

We believe that the draft general permits meet the DEP's primary responsibility of conserving, improving and protecting natural resources and the environment and controlling pollution in order to enhance the health, safety and welfare of the people of the State of CT.

The CT ACHMM has been present at each of the meetings associated with the re-issuance of the draft general permits including the status conference on June 21, 2007, the pre-hearing on August 16, 2007 and we are here today to demonstrate our continued support of the permits, as proposed. I'm accompanied by several of our board members and chapter members who are here to assist in answering any questions.

We have sent three letters to the Office of Adjudications with our comments on the subject permits dated July 12, 2007 from myself, July 31, 2007 from Nick Zackeo, and on August 31, 2007 from Stuart Manley. All three of us are here today. Our members statewide are in support of the general permits and have also sent in their own emails to indicate their support.

To very briefly touch on some of the key points we raised in our letters:

We noted that the certifications in the draft wastewater permits are focused on certifying that proper operation and maintenance of a system will meet permit conditions, or certifying that discharges generated at a subject site will comply with effluent limitations. It is our opinion that these are not certifications of engineering design. The certifications can be carried out by qualified environmental professionals through a review of applicable screening forms, historic land use, water and chemical analyses, existing reports, plans and specifications, maintenance plans, and actions taken to prevent further violations.

The permit certifications contemplate that the certifying party will review any available information, which would include for example, representations from a pre-engineered component manufacturer and its design engineer, the components having been designed and constructed under the supervision of an engineer to meet certain specific performance criteria. As such, the placement and operation of a pre-engineered system is not, in itself, practicing engineering.

We noted that our code of ethics precludes us from certifying programs that are out of our area of expertise such as engineering design.

We believe it is impractical to think that only a licensed Professional Engineer can inspect and review to determine that a system which has already been designed by an engineer is being properly operated and maintained and that the discharge generated at a site will meet environmental permit conditions. If this was the case, only licensed PE's would be allowed to perform operation and maintenance reviews and inspections to determine that existing systems such as building foundations, roads, electrical systems, plumbing systems, plant manufacturing systems, etc. are being operated and maintained properly and comply with applicable regulations or permits. Inspectors qualified and competent in their areas of expertise who are not licensed PE's can and do perform these functions.

The incorporation of licenses and certifications from the environmental profession with comparable levels of competency in the proper management of hazardous materials ensures that a greater body of qualified professionals are available to be called upon to assist the state and regulated community as needed in certifying compliance so that aspects of the proposed permitting process will function expeditiously, as intended.

It is our understanding that the inclusion of the CHMM credential in other general permits such as Discharge of Storm water from Industrial activities, the permit on Miscellaneous sewer compatible wastewater, the Discharge of Groundwater remediation wastewater directly to surface water permit and other permits has been in place for several years and has been successful and without issue.

Regarding the qualifications of CHMM's, CHMM's have the knowledge and skill to make the certifications as currently written in the two draft general permits that are the subject of this hearing.

To summarize, our main interest is in facilitating that a qualified body of professionals is available to be called upon to assist the state and regulated community as needed in certifying compliance so that aspects of the proposed permitting process will function practically and expeditiously, as intended.

Thank you for the opportunity to make this statement in support of the draft wastewater discharge permits.

Very truly yours



Gene P. Metti, CHMM
Chapter President
CT ACHMM