

General Permit for Coastal Storm Response

DEEP-OLISP-GP-2015-03

Issuance Date: October 30, 2015
Expiration Date: October 26, 2035

Bureau of Water Protection and Land Reuse
Office of Long Island Sound Programs
860-424-3034

General Permit for Coastal Storm Response

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Section 1. Authority

This general permit is issued under the authority of section 22a-361(d) of the General Statutes.

Section 2. Definitions

As used in this general permit:

“Adverse impacts on coastal resources” means adverse impacts on coastal resources as defined by section 22a-93(15) of the General Statutes.

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

“Beach grading” means the redistribution and regrading of on-site beach sand between mean low water and the coastal jurisdiction line without the nourishment or addition of any off-site beach sand or other material.

“Coastal jurisdiction line” means coastal jurisdiction line as defined by section 22a-359(c) of the General Statutes.

“Coastal resources” means coastal resources as defined by section 22a-93(7) of the General Statutes.

“Commissioner” means commissioner as defined by section 22a-2(b) of the General Statutes.

“Day” 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.

“Department” means the department of energy and environmental protection.

“Derelict structure” means any flotsam, structure or vessel, or component thereof, that has been abandoned or deserted, is no longer capable of functioning as intended, or is impeding navigation.

“Shoreline flood and erosion control structure” means any structure the purpose or effect of which is to control flooding or erosion from tidal, coastal or navigable waters and includes breakwaters, bulkheads, groins, jetties, revetments, riprap, seawalls and the placement of concrete, rocks, or other significant barriers to the flow of flood waters or the movement of sediments along the shoreline.

“Individual permit” means a permit or certificate of permission issued to a named permittee under section 22a-361, section 22a-363b, or 22a-32 of the General Statutes.

“*Harbormaster*” means a harbormaster or deputy harbormaster appointed pursuant to section 15-1 of the General Statutes.

“*Mean high water*” means the average of all high water heights observed over the National Tidal Datum Epoch.

“*Mean low water*” means the average of all low water heights observed over the National Tidal Datum Epoch.

“*Municipality*” means a city, town or borough of the state.

“*Permittee*” means any person or municipality to which the commissioner has issued an approval of registration under this general permit.

“*Person*” means person as defined by section 22a-2(c) of the General Statutes.

“*Site*” means geographically contiguous land or water 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 controls and to which the public does not have access shall be deemed the same site.

“*Tidal wetlands*” means wetland as defined by section 22a-29(2) of the General Statutes.

“*Watercourse*” means watercourse as defined by section 22a-38 of the General Statutes.

Section 3. Authorization Under This General Permit

(a) *Eligible Activities*

Provided the requirements of Section 3(b) of this general permit are satisfied, this general permit authorizes the following activities:

1. Storm Preparation Activities

- (A) temporary placement of bracing, scaffolding, hay bales, silt fencing, or sheeting;**
- (B) temporary placement of sandbags; and**
- (C) relocating and stockpiling beach sand for temporary dunes within areas above mean high water through the use of heavy equipment or hand-held tools.**

2. Storm Response Activities (Requiring Project Report)

- (A) placement of riprap behind existing, damaged seawalls for the purpose of shoreline stabilization;**

- (B) **construction of a footing or kneewall extending no more than 18" waterward of the face of a damaged seawall;**
- (C) **oversheeting extending no more than 18" waterward of the face of a damaged bulkhead;**
- (D) **repair and/or rebuilding to the pre-existing conditions and dimensions damaged shoreline flood and erosion control structures or living shoreline components that: (a) have been previously authorized; or (b) have been in place since prior to January 1, 1995 and which serve to protect public infrastructure or an existing residence that has been in place before January 1, 1995; and**
- (E) **repair and/or replacement to the pre-existing conditions and dimensions damaged pipes, culverts or tide control structures which: (a) have been previously authorized; or (b) have been in place since prior to January 1, 1995.**

3. Storm Response Activities (Not Requiring Project Report)

- (A) **temporary placement of bracing, supports, scaffolding, hay bales, silt fencing, sandbags, or other necessary temporary structures to prevent a significant loss of buildings, infrastructure, or other property;**
- (B) **operation of heavy equipment below the coastal jurisdiction line or in wetlands to remove sand or other storm debris including work to restore flow through drainage pipes, catch basins, tide gate structures, and tide creeks and ditches;**
- (C) **operation of heavy equipment below the coastal jurisdiction line to replace, regrade or relocate sand on beaches above the mean low water line; and**
- (D) **reset fallen stones from any damaged seawall, retaining wall, or riprap revetment to the pre-storm conditions and dimensions.**

Any discharge of water, substance or material into the waters of the state other than the one specified in this section is not authorized by this general permit, and any person who or municipality which initiates, creates, originates or maintains such a discharge must apply for and obtain authorization under section 22a-430 of the General Statutes prior to the occurrence of such discharge.

(b) Requirements for Authorization

This general permit authorizes each of the activities listed in Section 3(a) of this general permit provided:

- (1) Commissioner Declaration

The activities authorized under Section 3(a)(1) of this general permit may be undertaken at any time.

The activities authorized under Section 3(a)(2) and 3(a)(3) of this general permit may only be undertaken upon declaration by the commissioner that this section of the general permit is in effect. Such declaration will be made by the commissioner after a coastal storm or other event and shall include the effective date, the expiration date, and the specific geographic areas covered.

(2) Coastal Area Management

Such activity 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 and Threatened Species

Such activity does not threaten the continued existence of any species listed pursuant to section 26-306 of the General Statutes and will not result in the destruction of adverse modification of habitat designated as essential to such species.

(4) Aquifer Protection

Such activity, if it is located within an aquifer protection area as mapped under section 22a-354b of the General Statutes, complies with regulations adopted pursuant to section 22a-354i of the General Statutes.

(5) Conservation and Preservation Restrictions

Such activity, if located on or may affect property subject to a conservation or preservation restriction, complies with section 47-42d of the Connecticut General Statutes, by providing the following to the commissioner: proof of written notice to the holder of such restriction of the proposed activity's registration pursuant to this general permit or a letter from the holder of such restriction verifying that the proposed activity is in compliance with the terms of the restriction.

(6) Flood Management

Such activity shall be consistent with all applicable standards and criteria established in sections 25-68d(b) of the General Statutes and sections 25-68h-1 through 25-68h-3, inclusive, of the Regulations of Connecticut State Agencies.

(c) Geographic Area

Section 3(a)(1) of this general permit applies throughout the tidal, coastal, and navigable waters of the State of Connecticut and in tidal wetlands where not explicitly disallowed herein.

The activities in Section 3(a)(2) and Section 3(a)(3) of this general permit apply throughout the tidal, coastal, and navigable waters of the State of Connecticut and in

tidal wetlands, where not explicitly disallowed, as declared by the commissioner pursuant to Section 3(b)(2) of this general permit.

(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 twenty (20) years from such date of issuance.

(e) *Effective Date of Authorization*

Any activity identified in Section 3(a)(1) of this general permit is authorized by this general permit on the date that the general permit becomes effective or on the date the activity is initiated, whichever is later.

Any activity identified in Sections 3(a)(2) and 3(a)(3) of this general permit is authorized by this general permit on the date and for the duration the commissioner specifies in the declaration required in Section 3(b)(1) of this general permit.

Section 4. Conditions of This General Permit

The permittee shall at all times continue to meet the requirements for authorization set forth in Section 3 of this general permit. In addition, a permittee shall assure that activities authorized by this general permit are conducted in accordance with the following conditions:

(a) *Special Conditions for STORM PREPARATION ACTIVITIES authorized in Section 3(a)(1) of this general permit.*

- (1) Any temporary placement of sandbags may not occur in areas of tidal wetlands.
- (2) Any temporary structures authorized under this general permit must be removed no later than thirty (30) days subsequent to installation.
- (3) Any relocation or stockpiling of sand authorized under this general permit may only occur upon an issuance of a hurricane or tropical storm warning by the National Hurricane Center of the National Weather Service.
- (4) Any person conducting relocation or stockpiling of sand authorized under this general permit must notify the Commissioner, in writing, no later than 24 hours prior to conducting such work.
- (5) Any relocation or stockpiling of sand authorized under this general permit shall be limited to work upon the permittee's property on beach areas located landward of the mean high water line.
- (6) Any relocation or stockpiling of sand authorized under this general permit shall not occur within tidal wetlands. No sand shall be removed from vegetated dune areas.
- (7) Any relocation or stockpiling of sand shall be limited to the existing sand on-

site. This authorization does not provide for the importation of sand from other locations.

- (8) Any sand which has been relocated or stockpiled shall be returned to the borrow location and graded to the pre-construction conditions no later than 5 days subsequent to the storm event. In the event that the storm has washed away such sand, the permittee shall provide photographs to the Commissioner documenting the site conditions no later than 10 days subsequent to the storm event.

(b) *Special Conditions for STORM RESPONSE ACTIVITIES authorized in Section 3(a)(2) of this general permit.*

- (1) The activities authorized under Section 3(a)(2) of this general permit may only be undertaken upon declaration by the commissioner. Such declaration may be made by the commissioner after a coastal storm or other similar event and shall include the effective date, the expiration date, and the geographic areas covered by such declaration. The decision to make a declaration shall be at the discretion of the commissioner.
- (2) Within fourteen (14) days of completion of work under this section, the permittee shall submit a Project Report to commissioner consisting of the following information:
 - a. name and address of the property owner of the site where the work was conducted;
 - b. location of the site where the work was conducted;
 - c. narrative description of the work which was conducted; and
 - d. photographs of the site showing the conditions at the site before and after the authorized work has been conducted.
- (3) The placement of any riprap authorized herein shall not occur waterward of the landward face of the existing seawall, portions that remain of the seawall, or the location where such seawall existed prior to the storm event.
- (4) The placement of any riprap authorized herein shall not increase the height of the seawall which existed prior to the storm event.

(c) *Special Conditions for STORM RESPONSE ACTIVITIES authorized in Section 3(a)(3) of this general permit.*

- (1) The activities authorized under Section 3(a)(3) of this general permit may only be undertaken upon declaration by the commissioner. Such declaration may be made by the commissioner after a coastal storm or other similar event and shall include the effective date, the expiration date, and the geographic areas covered by such declaration. The decision to make a declaration shall be at the

discretion of the commissioner.

- (2) No work authorized herein shall measurably increase the height or extend any lateral or waterward encroachment of the seawall.
- (3) Activities such as flushing or power washing, or other similar activities that would create sedimentation or turbidity in the receiving waters, is strictly prohibited.
- (4) Any sand containing debris or visible oil or chemical contamination, or which may reasonably be expected to contain oil or chemical contamination, shall not be placed on any beach or in or adjacent to any waterway or tidal wetland and shall be disposed of at an upland facility appropriate for such waste.
- (5) Placement of fill not otherwise described in Section 3 of this general permit is not authorized herein. No sand other than displaced beach sand may be used on any beach under this authorization.
- (6) Any excavation conducted under this authorization shall remove only sand that was deposited as a result of the declared event. The footprint of any such excavated area within a tidal creek may be estimated by the creek bottom elevation on either side of the deposited material. No pre-existing or underlying substrate material shall be removed.
- (7) Any pipes, culverts or tide gates that are repaired or removed under this authorization shall be of the same diameter as that previously existing and shall be set at an elevation to assure adequate tidal exchange while minimizing upland flooding.

(d) General Construction and Use Conditions applicable to this General Permit

- (1) Any such storm response conducted in wetlands shall be undertaken by low ground pressure equipment or shall be conducted upon construction mats that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation. Construction mats are to be placed in the wetland from the upland or from equipment positioned on swamp mats if working within a wetland. Dragging construction mats into position is prohibited.
- (2) Such storm response activities shall only be conducted on property owned by the permittee or adjacent to such property waterward of the mean high water line at such property.
- (3) This general permit shall not be construed as authorizing the construction of any new or substantively modified shoreline flood and erosion control structure as defined by section 22a-109(c) of the General Statutes.
- (4) Prior to the commencement of any work authorized by this general permit, the permittee shall provide copies of this general permit to any contractor employed

to conduct such work and shall make such documents available for inspection at the site whenever work is being performed at the site.

- (5) Any barge utilized conducting any activity authorized herein, where allowed, shall not be stored over intertidal flats, submerged aquatic vegetation or tidal wetlands or in a location that interferes with navigation. In the event that any barge associated with the work authorized herein becomes grounded, no dragging or prop-dredging shall occur to free the barge.
- (6) Any activity authorized herein shall not be conducted such that it creates a hazard to or interferes with existing navigation uses in adjacent waterways. Such activities shall be setback from federal navigation channels and shall also be setback as prescribed in any harbor management plan approved pursuant to section 22a-113m of the General Statutes.
- (7) Such activities are, where applicable, consistent with a harbor management plan approved pursuant to section 22a-113m of the General Statutes.
- (8) In the course of conducting any activity authorized herein, no person shall place any equipment or material, including fill, construction materials, construction debris or solid waste as defined in section 22a-207 of the General Statutes in any wetland or watercourse, nor use any wetland or watercourse as staging area except as explicitly authorized herein.
- (9) Upon completion of any work authorized herein, the permittee shall restore any area affected by, or used as a staging area in connection with, such activity to the condition of such area prior thereto.
- (10) Any debris associated with any activity authorized herein shall be removed from the area waterward of the coastal jurisdiction line and tidal wetlands and disposed of at an approved upland site applicable for such debris.
- (11) The permittee shall dispose of any solid waste, as defined in section 22a-207 of the General Statutes generated by the work authorized herein in accordance with all applicable law, including Chapters 446e and 446k of the General Statutes.
- (12) Any activity authorized herein shall be conducted so as to minimize adverse impacts to coastal resources and processes.
- (13) Any activity authorized herein shall be conducted so as to minimize adverse impacts to commercial and recreational fishing and shellfishing.
- (14) Any activity authorized herein shall not create an obstruction or hindrance that will have an adverse effect on the flood heights, flood carrying and water capacity of the waterways and floodplains.
- (15) Any activity authorized herein shall not adversely affect existing or designated uses of the waters of the state as defined in Connecticut's Water Quality Standards pursuant to section 22a-426 of the General Statutes.

- (16) In conducting any activity authorized herein, the permittee shall not cause or allow pollution, as defined in section 22a-423 of the General Statutes, including without limitation pollution resulting from erosion and sedimentation.

Section 5. General Conditions

(a) *Duty to Correct and Report Violations*

Upon learning of a violation of a condition of this general permit, a 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's learning of such violation. Such report shall be certified in accordance with Section 5(c) of this general permit.

(b) *Duty to Provide Information*

If the commissioner requests any information pertinent to the authorized activity or to determine 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 Section 5(c) of this general permit.

(c) *Certification of Documents*

Any document, including but not limited to any notice, which is submitted to the commissioner under this general permit shall be signed by, as applicable, the registrant or the permittee in accordance with section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, 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.”

(d) *Date of Filing*

For 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.

(e) *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 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

(f) *Correction of Inaccuracies*

Within fifteen (15) days after the date a permittee becomes aware of a change in any of the information submitted pursuant to this general permit, 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(c) of this general permit. The provisions of this subsection shall apply both while a request for approval of registration is pending and after the commissioner has approved such request.

(g) *Transfer of Authorization*

An approval of registration under this general permit is transferable only in accordance with the provisions of section 22a-60 of the General Statutes.

(h) *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.

(i) *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-3a-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 Revocation, Suspension, or Modification*

The commissioner may, for any reason provided by law, by summary proceedings or

otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

(c) *Filing of an Individual Permit Application*

If the commissioner notifies a permittee in writing that such permittee must obtain an individual permit to continue lawfully conducting the activity authorized by this general permit, the permittee may continue conducting such activity only if the permittee files an application for an individual permit within sixty (60) 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 and the subject approval of registration. Nothing herein shall affect the commissioner's power to revoke a permittee's authorization under this general permit at any time.

Issued Date: October 30, 2015

Robert J. Klee

Commissioner

This is a true and accurate copy of the general permit executed on **October 30, 2015** by the Commissioner of the Department of Energy and Environmental Protection.