



**Connecticut Department of
Energy & Environmental Protection**
Bureau of Water Protection & Land Reuse
Land & Water Resources Division

Instructions for Completing the LWRD Transmittal Form

Introduction

The Land and Water Resources Division (LWRD) of the Department of Energy & Environmental Protection (DEEP) administers a variety of permitting programs for a number of activities conducted in: floodplains; inland wetlands and waterbodies; tidal wetlands; tidal, coastal or navigable waters; and, aquifer protection areas. The purpose of these programs is to conserve and protect the water and natural resources of the state and to protect life and property from erosion and flood hazards. For any questions you may have regarding application requirements, call LWRD at 860-424-3019.

Part I: License Type and Fee Information

The following will help you determine which type of application applies to the proposed project activity. Note that certain activities or projects may be subject to several licenses. If more than one license is necessary, please fill out one Transmittal Form and all applicable Program Forms. If the same question is asked on both Program Forms, respond once and refer back to that response on the next Form.

Licenses for Activities in Aquifer Protection Areas

Check the appropriate box to specify if the application is for an Aquifer Protection Area Registration or an Aquifer Protection Area Permit, and if the application is for a *new* registration, a *renewal* of an existing registration, or a *modification* of an existing registration. If you are applying for a renewal or modification of an existing registration, or if you are applying for a renewal of a permit that has been obtained for a new regulated activity at the facility, please identify the previous or existing registration or permit number in the space provided. Note that if you are applying for a renewal of an existing registration or permit, the *entire* registration or application must be completed and submitted. Please also note that if you are seeking a *modification*, you should consult the Aquifer Protection Program at 860-424-3019 prior to submitting a registration to determine whether completing a registration form is necessary.

Aquifer Protection Area Registration is required for any person engaged in a *regulated activity*, as defined in the Regulations of Connecticut State Agencies (RCSA) Section 22a-354i, which:

- 1) was active on, or
- 2) has been active within the past five years of, or
- 3) held a municipal building permit before, or
- 4) for any municipality owned site undergoing remedial action pursuant to 40 CFR 271, any person who engages in a regulated activity within the ten year period commencing on the date an applicable aquifer protection area was designated shall register the regulated activity.

The activity should be registered with DEEP rather than the Municipal Aquifer Protection Agency, if the regulated activity is to be conducted at a facility that:

- 1) holds one or more of the following permits:
 - a. National Pollutant Discharge Elimination System;
 - b. State Pollutant Discharge Elimination System; or
 - c. Federal Resource Conservation and Recovery Act Treatment, Storage and Disposal Facility;
- 2) is a public service company;
- 3) is a large-quantity hazardous waste generator; or
- 4) is a state agency, as specified in Connecticut General Statutes Section 22a-354p(g).

Aquifer Protection Area Permit is required to add or change any *regulated activity*, as specified in Connecticut General Statutes Section 22a-354p(g), if the registered facility:

- 1) holds one or more of the following permits: National Pollutant Discharge Elimination System; State Pollutant Discharge Elimination System; or, Federal Resource Conservation and Recovery Act Treatment, Storage and Disposal Facility;
- 2) is a public service company;
- 3) is a large-quantity hazardous waste generator; or
- 4) is a state agency.

Licenses for Activities in Tidal Waters

Structures, Dredging & Fill (SDF) applies to work being proposed waterward of the Coastal Jurisdiction Line in tidal, coastal or navigable waters of the state, including dredging and the placement of structures or fill material. In general, jurisdiction applies from coastal waters up to the first impediment to navigation (dam or waterfall) on tributaries and rivers. Contact LWRD staff if jurisdiction is not clear.

SDF with Tidal Wetlands applies to any activities occurring in tidal wetlands.

Section 401 Water Quality Certification (WQC) (also known as “Individual 401”) is required when applying for a federal license or permit for an activity which may result in a discharge to waters of the United States, including wetlands. The application is evaluated for compliance with applicable provisions of the Federal Water Pollution Control Act, as amended, and Connecticut’s Water Quality Standards. If your project requires a U.S. Army Corps of Engineers (USACE) Section 404 permit, a Section 401 WQC from the state will also be required.

For work in tidal waters, a WQC application is usually accompanied by either an SDF or Certificate of Permission application.

Certificate of Permission (COP) is available for activities that have only minor resource impacts, including tidal wetlands. To determine if your project is eligible for a COP, refer to the list provided in the LWRD License Application Form D, Part VI, and/or reference Connecticut General Statutes Section 22a-363b(a) and (b).

General Permit Registration for Coastal Maintenance or

General Permit Registration for Minor Coastal Structures (GPs) are available for activities that have only minor resource impacts. To determine if your project is eligible for one of these general permits, refer to DEEP-OLISP-GP-2015-01, DEEP-OLISP-GP-2015-02, or to the ‘General Permit Eligibility’ sections of the corresponding LWRD License Application Forms E through J.

General Permit Registration for Dolphin Cove

The projects conducted prior to December 7, 1995 within the boundary of Dolphin Cove Lagoon, Stamford, as delineated in GP-LIS-95-001.

Federal Agency Activity - Section 401 WQC is for direct federal activities proposed by federal agencies.

Licenses for Activities in Non-Tidal Waters

Section 401 WQC (also known as an “Individual 401”) is required when applying for a federal license or permit for an activity which may result in a discharge to waters of the United States, including wetlands. The application is evaluated for compliance with applicable provisions of the Federal Water Pollution Control Act, as amended, and Connecticut’s Water Quality Standards. If your project requires a USACE Section 404 permit, a Section 401 WQC from the state will also be required.

Pre-Construction Notification (PCN), USACE General Permits for CT is an abbreviated application process applying to activities that satisfy the eligibility criteria in the *Department of the Army General Permits for the State of Connecticut*, dated August 19, 2016. For eligible projects, the PCN fulfills the requirement for a Section 401 WQC. Please refer to

DEEP LWRD Application Form L, Part III, for a listing of the General Permits. **DEEP's LWRD Application Form L replaces the CT DEEP addendum referenced on pages 2 and 3 of *Department of the Army General Permits for the State of Connecticut*.** For submission to the USACE, follow instructions in the *Department of the Army General Permits for the State of Connecticut*.

Inland Wetlands and Watercourses (also known as an "Individual IW") is a permit for state agency activity or activities conducted on state owned/controlled lands. Regulated activities include, but are not limited to, filling, dredging, clearing, grubbing, grading, piping, culverting, channelizing, diverting, damming, dewatering or otherwise temporarily or permanently altering wetlands and watercourses.

Inland Wetlands and Watercourses and WQC are required for state projects that need a USACE Section 404 permit.

General Permit for Water Resources Construction Activities is only for state agency activities conducted on state owned/controlled lands. Refer to DEEP-IWRD-GP-013 for eligibility requirements.

Additional Licenses for Activities

Water Diversion - Non-Consumptive is required if your project includes one of the following activities:

- a) collects surface water runoff, i.e., storm water drainage, from a drainage area greater than 100 acres;
- b) constructs or otherwise modifies roadway crossings or culverts which provide detention or retention of watercourse flows either by design or default, or to otherwise modify or alter hydraulic characteristics or capacity; or
- c) relocates, retains, detains, bypasses, channelizes, pipes, culverts, ditches, drains, redirects, fills, excavates, dredges, dams, impounds, dikes, or enlarges or diminishes waters of the state.

Flood Management Certification (FMC) or

FMC with Exemption Request is for any state agency proposing or funding an activity within, or affecting, a floodplain or that impacts natural or man-made storm drainage facilities. Such activities include, without limitation:

- a) any structure, obstruction or encroachment proposed for emplacement within the floodplain area;
- b) any proposal for site development which increases peak runoff rates;
- c) any grant or loan which affects land use, land use planning or the disposal of state properties in floodplains; or,
- d) any program regulating flood flows within the floodplain.

DEEP will not process an application unless the required fees have been paid. Please note that application fees are not refundable. Check the boxes, as appropriate, if:

- the applicant is a municipality, a 50 percent fee discount may apply, depending on the type of license;
- your application is for work in tidal waters and is being submitted to resolve a violation; and
- your project is receiving state funding, including federal funding administered by the state. Note, submission of Flood Management Certification application may be necessary.

Part II: Project and Site Information

Provide the site name, location, and a brief description of the activity. The description should be brief and simple. For example, "A new dock on the Connecticut River in Old Saybrook."

Part III: Applicant Information

Provide all applicable information. Please note that e-mail addresses are required for DEEP correspondence.

Part IV: Pre-Application Coordination

Coordination with LWRD staff is strongly recommended prior to application submission. For the appropriate staff contact, call 860-424-3019. An e-mail to staff with a brief project description and any preliminary plans or reports is the preferred method of pre-application coordination. Provide the name of the staff person and the date of coordination.

Part V: Supporting Documents

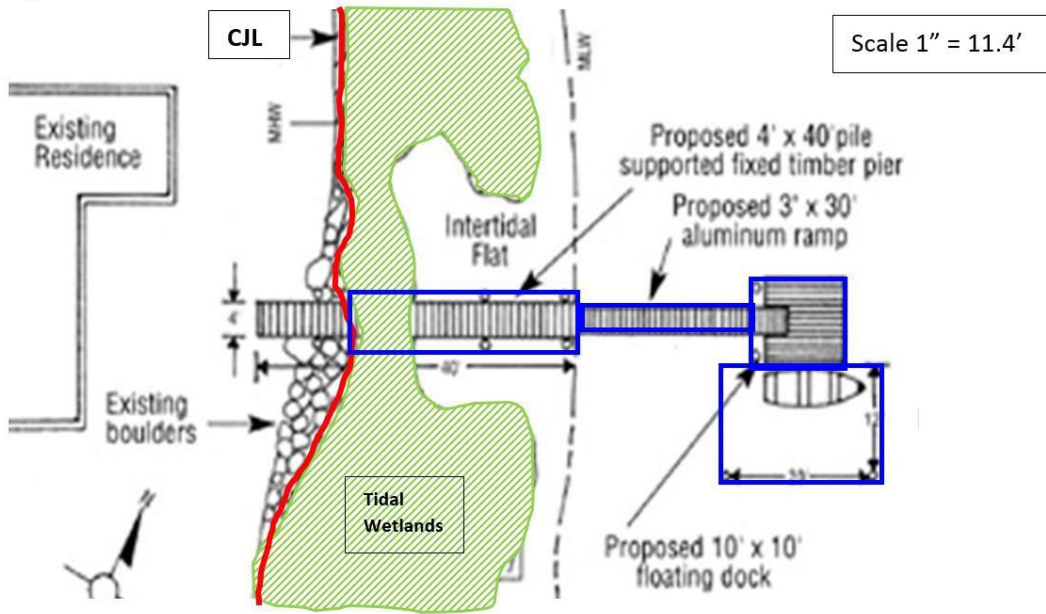
Attachment A, Structures, Dredging and Fill Fee Calculation

1. The application fee for aquaculture activities, regardless of the water surface area to be occupied by structures/gear, is six hundred sixty dollars (\$660.00).
2. The application fee for a mooring area or multiple mooring facility, regardless of the water surface area to be occupied by moorings, is six hundred sixty dollars (\$660.00), provided that such mooring areas or facilities do not include fixed or floating docks, slips or berths.
3. The application fees for any structure, filling or dredging activities are calculated based on the water surface area the project uses or occupies in any tidal, coastal or navigable waters of the state waterward of the coastal jurisdiction line (CJL). Here are the regulatory specifications:
 - a. For any structure, filling or dredging that uses or occupies less than five thousand five hundred square feet (5,500 SF) in water surface area, the fee is equal to eighty cents per square foot (\$0.80/SF), provided such fee shall not be less than six hundred sixty dollars (\$660.00);
 - b. For any structure, filling or dredging that uses or occupies five thousand five hundred square feet (5,500 SF) or more but less than five acres in water surface area, the application fee is three thousand five hundred fifty dollars (\$3,550) plus ten cents per square foot (\$0.10/SF) for each square foot in excess of five thousand five hundred square feet;
 - c. For any structure, filling or dredging that uses or occupies five or more acres (217,800 or more square feet) in water surface area, the application fee is nineteen thousand four hundred seventy-five dollars (\$19,475) plus five hundred twenty-five dollars per acre (\$525.00/ac.) for each additional acre (43,560 SF) beyond five acres;
 - d. The application fee for the retention of any unauthorized structure or fill completed after December 31, 1994, shall be four times the fee calculated. The use of this fee component should be coordinated with the OLISP Enforcement Section prior to submittal of the application;
 - e. For certificate of permission eligible (CGS section 22a-363b) activities proposed in a permit application, the fee shall be calculated in accordance with subparagraphs (a) to (c), above, inclusive, of this subsection. Alternatively, a separate application for a certificate of permission for such eligible activities may be submitted.
 - f. Please Note:
 - i. Previously **authorized** structures are not included in the application fee calculation;
 - ii. New structures over previously authorized dredge footprints are included in the application fee calculation.
 - iii. The area of any structure that spans over any tidal, coastal or navigable waters of the state waterward of the CJL must be included in the application fee calculation;
 - iv. The area within the perimeter of any outhaul/tie-off or support pilings and proposed vessel berthing areas must be included in the application fee calculation;
 - v. If the entire project area is *eight hundred twenty-five square feet (825 SF) or less*, the application fee will be *six hundred sixty dollars (\$660.00)*.

4. To support the calculated fee, applicants will need to:
 - a. Provide scaled plan sheets that clearly identify the Coastal Jurisdiction Line and limits of Tidal Wetlands and delineate the encroachment footprint therein from the proposed structures, filling or dredging (see Figure 1);
 - b. Provide the computations performed to determine the total application fee. Such computations should list the areas (in square feet and/or acres) of each proposed structures, filling or dredging encroachment in the application and detail the statutory fee rates applied based on the overall project encroachment (see Figure 1); and
 - c. Provide the name, title, address, phone number and email of the individual that performed the calculation.

Fee Calculation Example

Figure 1.



Fixed Pier below CJL = 30' x 6' (4' + (2) 1' diameter pilings)	180 square feet
Aluminum Ramp = 3' x 30'	90 square feet
Float = 10' x 11' (10' + 1' diameter pilings)	110 square feet
Vessel Berthing Area = 12' x 22' (20' + (2) 1' diameter pilings)	<u>264 square feet</u>
Total:	644 square feet

Since 644 square feet is < 825 square feet, the Total Application fee is the minimum of \$660.00.

- Attachment B**, Co-applicant information, as applicable.
Attachment C, Permission of site owner, as applicable.
Attachment D, If more than one applicant, additional signature page.

Part VI: Applicant Certification

After the application has been completed it must be reviewed and signed by both the applicant(s) and the individual(s) who actually prepared the application and any part thereof required by the application. Preparation may include consultants, professional engineers, surveyors, soil scientists, etc. By their signature, they certify that to the best of their knowledge and belief, the information contained in the application, including all attachments, is true, accurate and complete. An application will be considered insufficient unless all required signatures are provided. An original, live signature is required for this part of the application.

The certification of the application package must be signed as follows:

1. For an individual(s) or sole proprietorship: by the individual(s) or proprietor, respectively;
 2. For a corporation: by a principal executive officer of at least the level of vice president;
 3. For a limited liability company (LLC): a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s);
 4. For a partnership: by a general partner;
 5. For a municipal, state, or federal agency or department: by either a principal executive officer, a ranking elected official, or by other representatives of such applicant authorized by law.
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Part VII: Application Submission

Follow steps as described. If you need assistance, call 860-424-3019.

Please note the following coordination procedures with USACE:

Applications can be sent to USACE at: <mailto:cenae-r-ct@usace.army.mil> (2 MB size limit)

For documents larger than 2 MB, a file sharing site is available at: <https://safe.apps.mil/>

Licenses for Activities in Tidal Waters

Structures, Dredging & Fill and Section 401 Water Quality Certification - USACE must be notified of the project during the Pre-Submission Consultation (Program Form C, Attachment 27). DEEP LWRD will forward a copy of the final DEEP license to USACE.

Certificate of Permission – when submitting the LWRD application, the applicant should simultaneously submit a complete copy of the application to USACE, Regulatory Division, 696 Virginia Road, Concord, MA, 01742. DEEP LWRD will forward a copy of the final DEEP license to USACE.

General Permits for Coastal Maintenance and Minor Coastal Structures – when submitting the LWRD application, the applicant should simultaneously submit a complete copy of the application to USACE, Regulatory Division, 696 Virginia Road, Concord, MA, 01742. DEEP LWRD will forward a copy of the final DEEP license to USACE.

Licenses for Activities in Non-Tidal Waters

Section 401 Water Quality Certification and Pre-Construction Notification - The applicant should submit the LWRD license application and the USACE applications simultaneously. Application submission to each agency should include a copy of the other agency's application – USACE gets a copy of the LWRD application and LWRD gets a copy of the USACE application. A copy of the USACE application should be included as Attachment 28 of LWRD Program Form L.

Any project revisions or communications during the application process to LWRD or USACE should be copied to the other agency.