DRAFT PERMIT

Permittee: State of Connecticut, Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106

Attention: Charles Lee, Assistant Director

Permit Nos.: DS-201904784 (Dam Safety) & WQC-201904785 (Water Quality Certificate)

Municipality: Griswold

Project: Repairs to Pachaug Pond Dam (DEEP ID #5805; Hazard Class C, High Hazard)

Waters: Pachaug River, Pachaug Pond

Pursuant to Connecticut General Statutes Section 22a-403, the Commissioner of Energy and Environmental Protection (“Commissioner”) hereby grants a permit to The Connecticut Department of Energy and Environmental Protection (“the Permittee”) to construct the repairs of the Pachaug Pond Dam. In addition, pursuant to Section 401 of the Federal Clean Water Act (33 USC 1341), Certification is hereby granted for activities, including but not limited to construction or operation of facilities, which may result in any discharge into the waters of the state associated with the above referenced project. The purpose of the project is to repair an existing dam.

AUTHORIZED ACTIVITY

Specifically, the permittee is authorized to: Partially remove the existing gate house and construct a new low level outlet and drawdown chamber on the left dam embankment; raise the left dam embankment by 6 feet; lower the right embankment by 1.3 feet and construct an armored auxiliary spillway on the right embankment; place rip rap on the newly graded upstream slopes; construct a new concrete cutoff wall upstream of the primary spillway; repoint masonry at the downstream face of the primary spillway; construct a new boat launch structure on the right embankment; install a new dry hydrant with a new intake line; and construct an ADA fishing pier downstream of the dam.

The activities proposed will impact Pachaug River as follows:

- Approximately 16,185 square feet (0.37 acres) of impacts to wetlands at the site.
- Up to a four foot drawdown of the impoundment.

All activities shall be conducted in accordance with the 19 sheet plan set entitled: “Repairs to Pachaug Pond Dam” dated March 1, 2019 prepared by Macchi Engineers and submitted as a part of the
This authorization constitutes the licenses and approvals required by Section 22a-403 of the Connecticut General Statutes and Section 401 of the Federal Clean Water Act (33 USC 1341).

This authorization is subject to and does not derogate any present or future property rights or other rights or powers of the State of Connecticut, conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected thereby.

Said discharge(s) will comply with the applicable provisions of sections 301, 302, 303, 306 and 307 of the Federal Clean Water Act (33 USC 1311, 1312, 1313, 1316 and 1317, respectively) and will not violate Connecticut's Water Quality Standards.

_The permittee's failure to comply with the terms and conditions of this permit shall subject the permittee, including the permittee's agents or contractor(s) to enforcement actions and penalties as provided by law._

This authorization is subject to the following conditions:

**CONDITIONS:**

1. **Expiration.** This Dam Safety Permit shall expire three years following the date of issue unless this permit is specifically renewed. The Water Quality Certification shall expire upon expiration of the U.S. Army Corps of Engineers Section 404 permit for the same activity.

2. **Construction Commencement and Completion.** If construction authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such time as may be authorized by the Commissioner.

3. **Notification of Project Initiation and Impoundment Drawdown.**
   a. The permittee shall notify the Commissioner in writing at [DEEP.DamSafety@ct.gov](mailto:DEEP.DamSafety@ct.gov) no less than seven (7) days prior to commencement of permitted activities and no less than seven (7) days following completion of permitted activities.
   b. The permittee shall, pursuant to Section 22a-377(b)-1(a)(16)C of the Regulations of Connecticut State Agencies, notify the Commissioner and any potentially affected water company in writing at least seven (7) days prior to the lowering of the existing impoundment for the purpose of undertaking permitted activities.
   c. The Department of Energy and Environmental Protection shall be notified at least
forty-eight (48) hours prior to drawdown of the impoundment, in accordance with Section 26-138 of the Connecticut General Statutes. Such notification shall be made to the Fisheries Division, 79 Elm Street, Hartford, CT 06106-5127, and telephone no. 860-424-3474.

4. **De minimis Alteration.** The Permittee shall not deviate from the authorized activity without prior written approval from the Commissioner. The Permittee may request a de minimis change to any authorized structure, facility, or activity. A de minimis alteration means a change in the authorized design, construction or operation that individually and cumulatively has minimal additional environmental impact and does not substantively alter the project as authorized.

5. **Accuracy of Documentation.** In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.

6. **Best Management Practices & Notification of Adverse Impact.** In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. Best Management Practices include, but are not limited, to practices identified in the *Connecticut Guidelines for Soil Erosion and Sediment Control* as revised, *2004 Connecticut Stormwater Quality Manual*, Department of Transportation’s *ConnDOT Drainage Manual* as revised, and the Department of Transportation Standard Specifications as revised.

   a. The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.

   b. Use of 100% Biodegradable Erosion control Products. The use of rolled erosion control products for the stabilization of soil in wetlands and waters, and the floodplain, shall be limited to 100% natural biodegradable materials such as jute, sisal, coir or excelsior. Netting constructed from photodegradable, ultraviolet degradable or biodegradable plastics are not considered “biodegradable” for the purposes of this requirement and shall not be used.

   c. Drawdown of the impoundment shall be limited in extent and duration to that necessary to complete the permitted activities.

7. **Reporting of Violations.** The permittee shall, no later than 48 hours after the permittee learns of a violation of this permit, report same in writing to the Commissioner. Such report shall contain the following information:
a. the provision(s) of this permit that has been violated;
b. the date and time the violation(s) was first observed and by whom;
c. the cause of the violation(s), if known
d. if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
e. if the violation(s) has not ceased, the anticipated date when it will be corrected;
f. steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
g. the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify said report in accordance with condition 11 of this permit.

8. Material Storage in the Floodplain. The storage of any materials at the site which are buoyant, hazardous, flammable, explosive, soluble, expansive, radioactive, or which could in the event of a flood be injurious to human, animal or plant life, below the elevation of the five-hundred (500) year flood is prohibited. Any other material or equipment stored at the site below said elevation by the permittee or the permittee's contractor must be firmly anchored, restrained or enclosed to prevent flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day.

9. Permit Transfer. This permit is not transferable without the prior written consent of the Commissioner.

10. Contractor Notification. The permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.

11. Certification of Documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee or a responsible corporate officer of the permittee, a general partner 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 the 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 in the submitted information may be punishable as a
12. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

   DEEP.DamSafety@ct.gov

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word “day” means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

13. **Rights.** This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.

14. **DAM SAFETY CONDITIONS**
   a. This permit and a copy of the approved plans and related permit application materials shall be kept at the project site and made available to the Commissioner at any time during the construction of permitted activities.
   b. Permitted dam reconstruction activities shall be performed under the supervision of an engineer who is licensed to practice in the State of Connecticut and who is familiar with dam construction. Said engineer shall, upon completion of the permitted activities, certify to the Commissioner in writing that the permitted activities have been completed according to the approved plans and specifications.
   c. Within thirty (30) days of completion of the permitted activities, permittee shall submit to the Commissioner record drawings depicting the dam construction as completed, including any deviations from the approved plans and specifications. Said drawing shall be prepared and sealed by the engineer who oversaw the construction. In addition, the permittee shall arrange for submission of an electronic copy of the final record drawings in Adobe Acrobat “pdf” format.
   d. Nothing in this permit and no order, approval or advice of the Commissioner, shall relieve any owner or operator of this dam from his legal duties, obligations and
liabilities resulting from such ownership or operation. No action for damages sustained through the partial or total failure of any structure or its maintenance shall be brought or maintained against the state, the Commissioner of Energy and Environmental Protection, or his employees or agents.

e. **Sequence of Construction and Water Control.** The Sequence of Construction and Water Handling Plan shown on plans shall be utilized by the contractor constructing the dam repair project. If the sequence or water control plan are revised or updated, a PDF copy of the revised versions must be submitted to the Dam Safety Program to the attention of Jenna Bogaczyk at: DEEP.DamSafety@ct.gov within 48 hours of the revisions.

f. **Flood Contingency Plan.** The flood contingency plan submitted with the application shall be reviewed by the contractor constructing the dam repair project and if any revisions are made to the plan, a PDF copy of the revised version must be submitted to the Dam Safety Program to the attention of Jenna Bogaczyk at: DEEP.DamSafety@ct.gov within 48 hours of the revision.

g. **Unforeseen Conditions.** If during the process of construction, unforeseen conditions are found on the site and the permittee and their engineer determine that it would be appropriate to modify the design, then the permittee shall notify DEEP within 24 hours of any potential design changes to determine if the design modifications will be an activity that can be categorized as a de minimis activity when compared to the permitted design. No work shall take place which was not included as part of the permitted design until DEEP Dam Safety Staff respond to this determination request.

15. **WILDLIFE CONDITIONS**

a. **Protection of Wood Turtles (Glyptemys insculpta).** The measures and procedures listed below must be implemented and adhered to at the site for the duration of the project to be protective of the State listed species of concern, the Wood Turtle.

i) A qualified herpetologist/biologist shall be hired to oversee the implementation of Wood Turtle protection measures and procedures for the duration of the project construction. The name and contact information for the herpetologist/biologist shall be provided to the Commissioner no less than 7 days prior to the start of construction.

ii) Prior to the start of construction, exclusion fencing shall be installed around the limits of the work area to prevent turtle access to the work area. The exclusion fencing must be at least 20 inches tall and must be secured to and remain in contact with the ground. Silt fencing installed for erosion control may serve this like purpose. **The work area includes all areas used for site access, equipment parking, material staging, material storage, and construction purposes.**
iii) The exclusion fencing shall be inspected each day prior to the start of work activities. Any gap or breach in the exclusionary fencing shall be fixed or repaired immediately.

iv) All construction personnel and work crews shall be apprised of the species descriptions and possible presence.

v) A search for turtles within the work area shall be completed each work day prior to the start of any work activities. The search shall be performed by the qualified herpetologist/biologist during the month of June. Outside of the month of June, the search may be conducted by a designated employee(s) of the contractor, provided that the designated employee(s) has been appropriately trained by the qualified herpetologist/biologist to perform this function.

vi) Any turtles that are encountered within the limits of the work area shall be carefully moved, unharmed, to an area immediately outside of the fenced work area and shall be released oriented to head in the same direction as it was found.

vii) Any confirmed encounters with Eastern Box Turtle, Wood Turtle, or Spotted Turtle shall be reported and documented with the NDDB at nddbrequestdep@ct.gov using the special animal form found at http://www.ct.gov/deep/cwp/view.asp?a=2702&q=323460&depNav_GID=1641. Such reports and documentation shall be filed with the NDDB within 72 hours of encounter.

viii) All exclusion fencing shall be removed immediately after completion of the project. All soil erosion control fencing shall be removed as soon as soil stabilization is completed.

16. **Water Well Contingency.** The Permittee shall submit a contingency plan which addresses potential impacts regarding the yield of residential wells directly affected by an authorized drawdown. This plan shall be submitted for the Commissioner’s review and written approval at a minimum of 30 days prior to the scheduled drawdown. This plan should include a public outreach meeting and correspondence with the local health director. If there are any complaints from residents concerning reduced well yield, the DEEP should be notified immediately and the contingency plan should be implemented.

17. **Historical and Archaeological Assessment.** The permittee shall follow the project specifications located in Attachment Q3 of the application under section 2.6 Historical and Archaeological Assessment. The documentation of the dam and its related historic
components shall be submitted to the Department of Economic and Community Development State Historic Preservation Office.

Issued by the Commissioner of Energy and Environmental Protection on:

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Date                         Betsey Wingfield
                            Deputy Commissioner