OFFICE OF ADJUDICATIONS

IN THE MATTER OF	***:***	***APPLICATION NO. 200103355***
TOWN OF VERNON PARKS & RECREATION DEPARTMENT	***:***	***MARCH 31, 2004***

PROPOSED FINAL DECISION

The parties have submitted the attached *Agreed Draft Decision* for my consideration in this matter. As required under the DEP Rules of Practice, the applicant has signed this agreed draft decision. Regs., Conn. State Agencies §22a-3a-6 (l)(3)(A). I hereby adopt this agreement as my *Proposed Final Decision*, and recommend that the Commissioner issue the requested permit incorporating the terms and conditions set forth in the attached draft permit (Attachment "A").

March 31, 2004
Date

/s/Elaine R. Tata
Elaine R. Tata, Hearing Officer

AGREED DRAFT DECISION

I

SUMMARY

The Town of Vernon, acting by and through its Parks and Recreation Department (the "Applicant"), has applied to the Department of Environmental Protection for a permit to conduct regulated activities in and around Valley Falls Pond in the Town of Vernon. The Town of Vernon has filed an application for a Water Diversion Permit pursuant to Connecticut General Statutes §22a-372(e), (Applicant's Exhibit 5). These regulated activities are associated with removal of accumulated sediment, installation of a sediment forebay to collect future sediment deposits and initiating an annual program of maintenance to manage future sediment accumulation. The proposed project consists of the following regualted activities: (1) Draining the pond to lower the water surface elevation; (2) Dredging, excavation, removal of accumulated sediment from the inlet of Railroad Brook to Valley Falls Pond, (3) Construction of a sediment forebay at the inlet area of Railroad Brook, (4) Construction of a 12 foot wide construction/maintenance access road to the sediment forebay, (5) Restoration and improvement of the public beach access area and removal of an area of soft sediments and replacement with the beach sand for an erosion scar formed by an old non-active storm water discharge.

The Applicant and the Inland Water Resources Division ("Staff") are parties in this matter. Staff supports issuance of the permit and has submitted into the record draft permits that would authorize the Applicant's proposed regulated activities (see Applicant's Exhibits 17 and 18) (Also DEP Exhibits 2 and 12). The Army Corps of Engineers has granted a permit pursuant to Section 404 of the federal Clean Water Act (Applicant's Exhibit 6).

The dredging of Valley Falls Pond together with the removal of the accumulated sediment, installation of a sediment forebay and annual maintenance program that are the subject of this permit application will help to control future sedimentation into the pond. The access road will provide both short term access for sediment removal and construction as well as for long term maintenance and the restoration and improvement of public beach access area. Removal of all soft sediments and replacement with beach sand will help maintain the existing high use recreational facility in the park and help address a past erosion scar originating from a storm water discharge and slightly enlarge the beach area somewhat expanding recreational activity at this highly used recreational resource.

Some form of corrective action is necessary to address the present and future sedimentation of the pond. The proposed project will alleviate these problems and provide a long term future recreational use of the pond. The project has been planned to minimize wetland impacts while meeting current construction and safety standards.

The proposed regulated activities, if conducted in accordance with the terms and conditions of the draft permit, would be consistent with the applicable legal standards for issuance of the permit (Exhibit A).

This permit should be issued in accordance with the terms and conditions of the draft permit (Attachment A).

II

DECISION

A

FINDINGS OF FACT

The Application

1. On November 1, 2001, the Town of Vernon Parks and Recreation Department submitted an application to the Department of Environmental Protection (DEP) Inland Water Resources Division for Water Diversion: Nonconsumptive Use Permit (Applicant's Exhibit 5, Pages 1-4). A notice of tentative determination and intent to waive the requirement for public hearing was issued on May 21, 2002 (DEP Exhibit 1). A petition signed by at least 25 persons was received by the DEP on June 17, 2002 (DEP Exhibit 3) A public hearing was held on March 19, 2003. The record remained open until April 2, 2003, to allow for the submission of additional written public comments.:

The Project

2. The proposed regulated activities that are the subject of this permit application (the "Project") are all associated with the dredging and removal of sedimentation and reconstruction of Railroad Brook and the reconstruction of the beach area at Valley Falls Pond in Vernon, Connecticut. The proposed project consists of the following actions: (1) removal of 3,000 +/- cubic yards of accumulated sediments immediately below the inlet of Railroad Brook to Valley Falls Pond; (2) the construction of a sediment forebay at the inlet area of Railroad Brook; (3) the construction of a 12 - foot wide access road to the sediment forebay; (4) restoration and improvement of the public beach access area; and (5) removal of an area of soft sediments and replacement with beach sand from an erosion scar formed by an old, non-active, stormwater discharge.

3. The proposed project has been identified by the DEP as a priority due to the need to remove accumulated sediment, install a sediment forebay to collect future sediment and initiate an annual maintenance program to manage future sediment accumulation. (DEP Exhibit 1; Applicant's Exhibit No. 17).

4. The construction of a 12 foot wide access road to the sediment forebay will provide both short term access for sediment removal and forebay construction as well as allow for long term maintenance and removal of future sediment deposits.

5. Without the installation of the 12 foot wide access road, it will not be possible to control future servicing of the sediment forebay in order to minimize the deposition of sediment in the pond.

6. The proposed action is found to be necessary, is compatible with long-range water resource planning, proper management and use of the water resources of Connecticut and is consistent with Connecticut's policy of protecting its citizens against harmful interstate diversions and with the state plan of conservation and development (DEP Exhibit 1, Page 1, Paragraph 5).

Watercourses/Flood Control

7. The major watercourses within the general project corridor area are Railroad Brook and the Valley Falls Pond (Applicant's Exhibit 5). The project site is susceptible to flooding conditions (i.e., refilling of the pond) at any time at which the inflow to the pond exceeds the capacity of the pumps (Applicant's Exhibit 5, Attachment H, Page J-1). In addition, at least a portion of the construction area will be located within the Zone A as defined on the National Flood Insurance Rate Maps (Applicant's Exhibit 5, Section 1, Page 3c). Inundation of the Zone A area could occur under hydrologic conditions during which either small stream or basin-wide flooding was likely to occur. It will be the responsibility of the project contractor to monitor local weather and river conditions to anticipate when flooding of the project is likely to occur. In addition, prior to the start of construction, the contractor shall identify and receive approval for use of an area outside of the limits of the Zone B area where equipment and materials could be located in the event of floodplain inundation. During the proposed diversion, precipitation events may occur that would cause the water level of the pond to exceed the capacity of the pumps and flood work areas. Should that happen, all activity will cease until water has receded below the work area. In addition, equipment and materials shall not be left within the pond during the periods when personnel are not working on site and available to move the equipment. Also the construction staging area will be located outside of the floodplain areas.

Wetland Impact Sites/Proposed Activities

8. The impacted areas in this project consist of Valley Falls Pond and Railroad Brook and associated unnamed wetlands to the South and East of Valley Falls Pond. The impacted areas in this project consist of wooded wetland areas bordering the inlet area of the pond and some areas of the east and upland of the pond in the vicinity of the sediment disposal area. The current project will impact two wetlands areas over two separate sites. A total of 0.16 acres of wetlands or watercourses will be permanently impacted by the project. An additional 0.59 acres of temporary impact will occur in association with the sediment removal and beach rehabilitation. These impacts are! minimal and unavoidable due to the proposed project. A replacement wetland at 11,000 +/- square feet will be created to mitigate the proposed impacts. There will be some permanent alteration of wetlands and watercourse resources associated with the construction and maintenance of the sediment forebay (Applicant's Exhibit 5, Attachment I, Page I-1, 3rd Paragraph). Much of this will result from the restoration of the pond area (i.e., watercourse) by the removal of 3,000 +/- cubic feet of soft sediments from the inland area around Railroad Brook. However, there will be filling of inland wetlands associated with the construction of a 12 foot wide access road.

DEP Fisheries Division

9. The DEP Fisheries Division recommended several measures to minimize impacts to fisheries resources (DEP Exhibits No. 5, Page 3, No. 2). The Applicant has incorporated all these recommendations. into design plans and construction contracts.

Mitigation - Wetland Replacement Area

10. The proposed mitigation plan would create the following specific elements:

1. The creation of about 240 +/- LF of intermittent stream/swale.
2. A 11,000 +/- SF vegetated wetland dominated by herbaceous plants.

The detailed description of the area is provided in the sections below.

Soil profiles in this area show highly organic sandy loams with evidence of seasonal high groundwater within a few feet of the soil surface. Hydrology for the wetland will be maintained by:

1. intercepted groundwater within the proposed level of the soil profile; and 2.
2. topography that collects surface runoff and directs it though the course of the wetland to discharge at an existing ditch within the adjacent wetlands.

The soils for the proposed wetland replacement areas will consist of 6-12 inches of organically enriched sandy loam. The existing topsoil will likely be suitable for reuse as wetland topsoil. Soils will need to be tested prior to utilization and augmented with composted leaf litter if necessary to raise the organic content to the desired percent composition by weight (6-12%). If necessary, additional make-up topsoil may be used if from a source approved by the wetland scientist.

The area will be seeded with a mix of wetland grasses and wild flowers. For all seeds, only native or noninvasive naturalized species are to be used. Discussions and input with local bird enthusiasts have identified a concern that the field area would be converted to a wooded wetland. Therefore, in consideration for the existing habitat, the wetland creation area will only be seeded with herbaceous plants.

During the construction of the wetland replacement area, it will be necessary to control invasive species. There is a small amount of purple loosestrife and Phragmites within the nearby wetlands. Both species could rapidly invade the stream margins and the wetland restoration area Therefore, aggressive measures will need to be taken during construction, including hand cutting at optimal times of the year and herbicide treatment. Treatments of nearby areas should continue for up to three years after development of the wetland replacement site, as well as treatment and removal of any invasive species within the site.

Detailed observations on the mitigation site will be performed for each of the first three full growing seasons following construction of the mitigation site. The observations will consist of an evaluation of plant survival, the identification of a real vegetative cover, the presence of invasive species, and overall site stability. Additional comments will be made relative to functional values; the overall health and vitality of the wetland mitigation area and any remedial measures that would be needed in order to achieve or maintain the mitigation site.

Control of Water and Turbidity

11. The division channels will be lined with filter fabrics to minimize re-suspension of sediments. This construction approach will minimize turbidity throughout the period of construction. Care will be taken during the initial dewatering of the pond to control turbidity. Initial construction of the fabric-lined channel will be principally with handwork, augmented by the use of machinery, avoiding machinery transit through any pre-existing preferential low-flow pathway within the pond bottom.

Construction environmental monitoring will be performed to ensure that turbidity and sedimentation are adequately controlled throughout the life of the project. If significant turbidity is detected resulting in a visible turbid plume extending downstream, additional sedimentation control measures will be implemented, ceasing all work as necessary to install such controls, prior to the resumption of construction activities.

The only significant potential short-term adverse impacts of water and wetland resources will be associated with any turbidity, erosion and sedimentation that might occur during construction activities. With the implementation of the above measures, no significant adverse impacts to wetlands and water resources are expected.

State Threatened, Endangered or Species of Special Concern

12. DEP reviewed the project site and found that it is not located within an area identified as a habitat for endangered, threatened or special concern species identified on the State and Federal Species and Natural Communities Map. (Applicant's Exhibit 5, Part IV Number 3).

Alternatives

13. During the planning and design of this project, a continuous examination of design alternatives was conducted. Numerous alternatives were considered in consultation with the various units of the Department of Environmental Protection, U.S. Army Corps of Engineers, Town of Vernon Concerned Citizens and Regulatory Agencies. The only proposal other than mechanical dredging that was considered was hydraulic dredging. Determination of the method to be used as a function of both the cost of dredging, the method of disposal of dredged material and environmental constraints. Given the small size of Valley Falls Pond, the scope of dredging which does not include the entire pond bottom surface and the added expense to construct a containment site, hydraulic dredging is neither feasible nor prudent. (Applicant's Exhibit 5, Attachment J, Page J1-J2).

Mechanical dredging can be conducted and either drawn down or fill conditions and is usually accomplished by using a backhoe type excavator or dragline to remove sediment. Sediment is then loaded into trucks to be hauled to a disposal site. The primary issue to be addressed for a mechanical dredging project is the control of water. The control of water requires the ability to lower the water elevation in the pond and divert base flow around the pond to allow machinery to access the pond bottom.

Without lowering the water elevation, mechanical dredging requires the building of platforms into the pond or the use of floating excavation equipment and the ferrying of dredged material to the shore. In either case, the cost of dredging by this mechanism is significantly higher. Also, this type of dredging tends to create excessive turbidity within the water column, which can be transported downstream.

While the existing low-level outlet and the dam of Valley Falls Pond is not operable, draw down of the pond can be achieved by pumping, making dry dredging feasible. Bypass pumping of stream base flow can be conducted as necessary and measures can be taken to ensure minimization of turbid discharges into downstream waters. Mechanical dredging by lowering the water elevation is the most feasible, least costly, and least environmentally impacting method available for a water body of this nature. In accordance with Section 22a-373(b)(8) the water must be diverted to accomplish the project and no other alternative, including conservation will work.

The nature of the Valley Falls Improvement Project is site-specific and the problem of sedimentation within the pond cannot be addressed at another location. Therefore, proposing the activity at another location is neither feasible nor prudent.

B

CONCLUSIONS OF LAW

The purposes and policies set forth in the Connecticut Water Diversion Policy Act are secured through the process and criteria outlined in Section 22a-373 of the General Statutes. The commissioner must consider all relevant facts and circumstances, including but not limited to, the statutory factors outlined in Section 22a-373.

The relevant factors set out in Section 22a-373 are:

(1) The effect of the proposed diversion on existing or planned watercourses in the area affected such as water-based recreation and wetland habitats (2) The compatibility with the policies and programs of the State of Connecticut. (3) The effect of the proposed diversion on existing water conditions. (4) The effect on fish and wildlife. (5) The necessity of the proposed diversion and (6) The interests of all affected municipalities.

Applying these factors to this permit application, the following conclusions are found:

(1) Existing Water Uses.

Recommendations of DEP Fisheries division have been incorporated into design plans and construction contracts, minimizing impacts to fisheries resources. Impacts to wildlife as a result of the project will, be limited due to the restricted area of the project, and the existing disturbance of the area due to the existing roadway and developed properties.

Short-term impacts during construction will be reduced through measures to control sedimentation and erosion. These controls will assure that no permanent adverse effects will impact fisheries or riparian habitat. These measures will minimize the chance that siltation and sedimentation will encroach into the area of the regulated wetlands and watercourses. Ground and surface water quality will also be protected.

Short-term impacts will be controlled by the use of sedimentation and erosion controls during construction. Long-term impacts to the wetlands system as habitat for wildlife and fish will be minimal or positive. The dredging of the pond and the creation of a 12 foot access road for widening and maintenance to control the future sedimentation will benefit the public welfare and improve the quality of the pond for many years to come.

(2) Compatibility with the policies and programs of the State of Connecticut

There are no feasible or prudent alternatives to the present proposed plan for the project. The alternative of taking no action, would not meet the goal of the project and obligation of the applicant to provide for optimal use and preservation of Valley Falls Pond. The project has been designed to minimize environmental impacts to the greatest extent possible where modifications have been deemed necessary by DEP and the staff of its various divisions. Those changes have been incorporated in the project design. The proposed plan for the dredging of the pond, creation of the weir and 12 foot access roadway and improvement of the beach area are all benefits to the public and to the long term utilization of the park and pond. The applicant has adequately demonstrated the proposed plan is a feasible and prudent choice.

(3) The effect of the proposed diversion on existing water conditions. The record demonstrates that the short-term impacts of the project, primarily due to the construction activities that will be necessary, will be minimized through erosion and sedimentation control guidelines that were included in the construction contract as required by DEP. These guidelines will protect ground and surface water by minimizing the possibility of siltation and sedimentation within the area of the wetlands and watercourses impacted by the project. Adherence to these guidelines and the terms and conditions of the permit will assure that temporary impacts to the environment will be minimal.

The project will improve the functioning of the pond itself and the impact on recreation and fish and wildlife. Creation of the access road and the fish forebay will enhance maintenance of the pond and help the fish population.

This project will impact the environment, both in the short and long term. However, the shortterm impacts during construction will be tempered by construction mitigation efforts and the long-term impacts will be kept to a minimum. Improvements as a result of the project will enhance the overall long-term productivity of the wetlands. The proposed plans include steps that will be taken to rehabilitate some areas of the impacted wetlands immediately after construction is completed.

(4) The effect on fish and wildlife. The proposed project keeps to a minimum the irreversible and irretrievable commitment of wetlands resources. In recognition of wetlands as an indispensable, irreplaceable fragile natural resource, the project is designed to protect existing wetland areas to the greatest extent possible.

The project will improve and enhance some of the functions of the existing wetlands and will enhance the functioning of Valley Falls Pond. The commitment of wetland resources to the proposed project will not result in an unacceptable loss of irretrievable or irreplaceable wetland resources and the mitigation site that will be created will enhance a productive wetland resource.

(5) The necessity of the proposed diversion. The Project, which will result in a greatly enhanced Valley Falls Pond and beach area, has been designed to avoid adverse impacts to the wetlands to the greatest extent possible. The applicant will take measures to mitigate the potential for harm during construction, including the protection of grounds and surface waters. The success of these measures will be monitored through regular inspections during the construction phase of the project. Potential impacts to wildlife and fisheries resources will be minimized through measures that include incorporation of recommendations of the DEP. When concluded the draining of the pond, to a surface elevation of 343 feet plus or minus, the removal of accumulated sediments from the inlet of Railroad Brook to Valley Falls Pond, the construction of a sediment forebay at the inlet area of Railroad Brook, the construction of a 12 foot wide construction/maintenance access road to the sediment forebay, restoration and improvement of the public beach access area; and removal of an area of soft sediments and replacement of beach sand from an erosion scar formed by an old non-active storm water discharge will facilitate wildlife and fish movement through the wetlands system, will enhance the ability of wetlands to control storm waters and will provide for a greatly enhanced recreational resource to the public. These improvements will also enhance the functioning of the- overall wetlands systems to be impacted by the project. The impacts to the wetlands do not pose a threat of injury or interference with the public health or safety or the reasonable use of the property.

(6) The interests of all affected municipalities. The primary impact of the water diversion is on the Town of Vernon and the impact is minimal and short-term. Any impact on adjoining municipalities will be beneficial.

RECOMMENDATION

The applicant has demonstrated compliance with the provisions of §22a-365 through 22a-373 in terms of the proposed diversion of water. The record presented and consideration of all the

relevant facts and circumstances pursuant to the factors outlined in Connecticut General Statutes §22a-373 demonstrate that there is no feasible and prudent alternative to the proposed project that meets the purpose of the project and that would have less environmental impact. Also the applicant has shown compliance with the provisions of Connecticut General Statutes §22a-365 through §22a-373; specifically the applicant has shown compliance with the provisions of Connecticut General Statutes §22a-369 and has satisfied the requirements of subsections (1) through (8) inclusive.

The dredging of Valley Falls Pond, creation of an access road and replacement of wetlands and beach sand will result in an enhanced recreational facility. The proposed plan is reasonable considering the needs of the applicant to improve Valley Falls Pond, will not significantly affect long-range water resource management or the environment, and will not impair proper management and use of water resources of the state. The permit that is the subject of this application should be issued.

APPLICANT, TOWN OF VERNON

By: /s/ Bruce Dinnie

Its: Director of Parks and Recreation

Date: 3/11/04

Department of Environmental Protection

Date:

DRAFT

WATER DIVERSION PERMIT

Permittee:	Town of Vernon Parks and Recreation Department 120 South Street Vernon, CT 06066
Permit No.:	DIV-200103355
Permit Type:	Water Diversion, Water Quality Certification
Town:	Vernon
Project:	Valley Falls Pond Dredging

Pursuant to Connecticut General Statutes section 22a-368, the Town of Vernon, Parks and Recreation Department is hereby authorized to divert the waters of the state at Valley Falls Pond (the “site”) in accordance with the permittee’s application dated October 31, 2001, filed with this Department on November 5, 2001 and described herein. The purpose for the dredging project is to remove accumulated sediment in Valley Falls Pond located in Valley Falls Park in Vernon, Connecticut (the "project").

AUTHORIZED ACTIVITY

Specifically, the permittee is authorized to dredge up to 3,300 cubic yards of accumulated sediment from the inlet and beach areas of Valley Falls Pond, construct a sediment forebay at the Railroad Brook inlet of the pond, and construct an access road for the maintenance of the forebay in accordance with said application and plans which are part thereof entitled: "Valley Falls Pond Improvement Project", dated November 2001, revised through April 5, 2002, and prepared by Baystate Environmental Consultants, Inc. (the "site").

PERMITEE’S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT SHALL SUBJECT PERMITEE AND PERMITEE’S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW.

This authorization is subject to the following conditions:

SPECIAL CONDITIONS

1. Unconfined instream and in-pond activities are restricted to the period June 1 through September 30.

2. The permittee shall submit for review and approval a revised plan showing the details of the construction sequence and water handling procedures during the construction of the sediment forebay. The revised plan shall be submitted at least two weeks prior to the proposed initiation of construction.

GENERAL CONDITIONS

1. The permittee shall notify the Commissioner in writing two weeks prior to: (A) commencing construction or modification of structures or facilities authorized herein; and (B) initiating the diversion authorized herein.

2. The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee applies for and receives a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de minimis alteration means an alteration that does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.

3. All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.

4. Unless the permittee maintains in optimal condition any structures or facilities authorized by this permit, the permittee shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.

5. 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. If construction of any structures or facilities 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 other time.

7. 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.

8. In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under paragraph 4 hereof, 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. 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.

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

10. **Expiration of Permit.** This permit shall expire (three years from issuance)

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, a responsible corporate officer of the permittee, a general partner of the permittee, or 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 and 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, and I understand that any false statement made in this document or its attachment may be punishable as a criminal offense in accordance with Section 22a-376 under 53a-157 of the Connecticut General Statutes."

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:

Director
Department of Environmental Protection
Bureau of Water Management
Inland Water Resources Division
79 Elm Street
Hartford, CT 06106-5127

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" as used in this permit 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 nest business day thereafter.

This authorization constitutes the permit required by section 22a-368(b) of the Connecticut General Statutes.

Issued as a permit of the Commissioner of Environmental Protection on

Arthur J. Rocque, Jr.
Commissioner