



WATER DIVERSION PERMIT

Permittee: Real Estate Heritage, LLC
418c Heritage Village
Southbury, CT 06488

Attn: Josh McKim

Permit No: DIVC-202308815 (Renews DIV-200200536)

Town: Southbury

Project: Renewal of permit to withdraw surface water for golf course irrigation

Waters: **Pomperaug River, unnamed ponds, proximate groundwater**

Pursuant to Connecticut General Statutes Section 22a-368, the Commissioner of Energy and Environmental Protection (“Commissioner”) hereby grants a permit to Real Estate Heritage, LLC (“Permittee”) to divert the waters of the state at an 18-hole golf course known as the Silo Point Country Club (“Site”). The purpose of the diversion is to withdraw surface water for golf course irrigation.

AUTHORIZED ACTIVITY

The permittee is authorized to withdraw a maximum of .075 million gallons of water per day (MGD) from an unnamed pond near Hole 14 and withdraw a maximum of .225 MGD from an unnamed pond near Hole 3 (“Pond 3”).

All authorized activities shall be conducted in accordance with plans entitled *ALTA/NSPS Land Title Survey Heritage Village 18 Hole Golf Course* prepared by Smith & Company, dated March 10, 2020 and documentation submitted as part of the permit application.

This authorization constitutes the licenses and approvals required by Section 22a-368 of the Connecticut General Statutes.

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. **Metering of Withdrawals.** The permittee shall maintain totalizing flow meters to measure the total amount of water withdrawn from the unnamed pond at Hole 14 and the unnamed pond at Hole 3 as authorized herein and shall for the duration of this authorization continuously operate and maintain such meters in good working order. In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72 hours.
2. **Daily Withdrawal Record.** The permittee shall maintain a daily record of the meter readings as prescribed on the Department's Water Diversion Reporting webpage at <https://portal.ct.gov/DEEP/Water/Diversions/Water-Diversion-Reporting> indicating the total volume of water in gallons withdrawn from the unnamed pond at Hole 14 and the unnamed pond at Hole 3 that day. The daily record shall denote and explain any instances in which the diversion of water exceeded the authorized withdrawal limitations specified in this permit. A copy of the daily record of withdrawals shall be included in the Annual Report to the Commissioner required by Condition 10 (Annual Reporting) of this permit.
3. **Chemigation.** The permittee is prohibited from using the irrigation system for the purpose of chemigation without the appropriate discharge permit and pesticide application permit from the Commissioner.
4. **Drought Management Plan.** Upon declaration of a particular drought stage as described in "Connecticut Drought Preparedness and Response Plan (September 6, 2022 or as amended)", the permittee shall limit the authorized withdrawal maximum as follows:

Stage 1:	0.300 MGD (0% reduction of permitted maximum withdrawal)
Stage 2:	0.270 MGD (10% reduction of permitted maximum withdrawal)
Stage 3:	0.255 MGD (15% reduction of permitted maximum withdrawal)
Stage 4:	0.240 MGD (20% reduction of permitted maximum withdrawal)
Stage 5:	0.225 MGD (25% reduction of permitted maximum withdrawal)

Furthermore, during a Stage 5 drought declaration, the permittee shall comply with any and all applicable drought restrictions of the "Connecticut Drought Preparedness and Response Plan" (September 6, 2022 or as may be amended).
5. **Seasonal Diversion Restrictions.** Irrigation withdrawals authorized under this permit are restricted to the period of April 15 through October 31, inclusive.
6. **Wood Turtle Best Management Practices.** Due to the known presence of a Species of Special Concern near the project site, the wood turtle (*Glyptemys insculpta*), all site personnel shall be apprised of the species description and possible presence of the wood

turtle (<https://portal.ct.gov/DEEP/Wildlife/Fact-Sheets/Wood-Turtle>). Caution should be taken when mowing or performing work within 100 feet of rivers and streams, as well as within riparian buffer areas, consistent with the wood turtle technical guidance document at http://www.northeastturtles.org/uploads/3/0/4/3/30433006/glin_booklet_9618.pdf. Any wood turtles that are encountered onsite shall be avoided and left undisturbed, and/or transported, unharmed, to an area immediately outside any work area if there is threat to a turtle. Any transported turtle shall be immediately released outside a work area to head in the same direction as it was found. Wood turtle sightings shall be reported within 72 hours to NDDDB staff at deep.nddbrequest@ct.gov with a Special Animal Survey Form attached to the email to document the sighting (form located at <https://portal.ct.gov/-/media/deep/nddb/vertebrateformpdf.pdf>).

7. **Meter Calibration and Reporting.** The permittee shall biennially, beginning in 2025, test and calibrate each source meter to within two percent accuracy as shown through a post-calibration test. The permittee shall maintain a record of the accuracy and calibration tests along with supporting documentation and certifications. The permittee shall make a copy of said records available to the Commissioner or the Commissioner's designee immediately upon request.
8. **Long-range Water Conservation Plan.** The permittee shall implement its Long-range Water Conservation Plan, as described in the permittee's application. The permittee shall maintain a summary of all actions taken each year pursuant to the Long-range Water Conservation Plan including a description of the estimated or actual water savings achieved. A copy of this summary shall be included in the Annual Report to the Commissioner required by Condition 10 (Annual Reporting) of this permit.
9. **Record Keeping Requirements.** Except as provided below, or as otherwise specified in writing by the commissioner, all information required under this permit shall be retained at the subject site or be readily available on request. The permittee shall maintain a copy of this permit on site at all times. The permittee shall retain copies of all records and reports required by this permit; and records of all data used to compile these reports for a period of at least ten years from the date such data was generated, or report created, whichever is later.
10. **Annual Reporting.** The permittee shall electronically submit, by January 31 of each year for the duration of this authorization, an Annual Report for the preceding calendar year that is consistent with reporting protocols located on the Department website at <https://portal.ct.gov/DEEP/Water/Diversions/Water-Diversion-Reporting>. The Annual Report shall be certified in accordance with Condition 15 (Certification of Documents) of this permit, emailed to DEEP.WaterUseReport@ct.gov, and shall contain the following:
 - a. a copy of the record of daily withdrawals as required by Condition 2 (Daily Withdrawal Record) of this permit,

- b. denotation and explanation of any instances of violation of the authorized withdrawal limitation(s) or any other condition of this authorization, and
 - c. a summary report of all the actions taken pursuant to the Long-Range Water Conservation Plan and description of actual or estimated water savings achieved, as required by Condition 8 (Long-range Water Conservation Plan) of this permit.
11. **Other Restrictions.** The Commissioner shall have the right to restrict the diversion authorized in this permit at any time the Commissioner determines: a) a declared local, regional, or state-wide drought advisory, watch, warning or emergency necessitates restriction or reduction of water uses, or b) the continuation of the diversion would have an adverse effect on water quality, fisheries resources, aquatic habitat, or public health.
12. **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 time(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 preparing such report, each of whom shall certify said report in accordance with Condition 15 (Certification of Documents) of this permit.
13. **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 any 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.
14. **Request to Withdraw as Exempt.** Should the regulated activity authorized by this permit become eligible for an exemption listed under CGS 22a-377(a) or RCSA 22a-377(b)-1, the permittee may request in writing that this permit be withdrawn. Upon receipt of such a request and confirmation of exemption eligibility by the Department, the diversion permit shall be withdrawn.
15. **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 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 criminal offense in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b and in accordance with any other applicable statute.”

16. **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
Water Planning and Management Division
Department of Energy and Environmental Protection
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" 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.

17. **Notification of Project Initiation.** 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.
18. **De minimis Alteration.** 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 which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.

19. **Maintenance of Structures.** 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, or otherwise exempt pursuant to other General Statutes, 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.
20. **Removal of Structures.** 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.
21. **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.
22. **Initiation of Construction.** 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.
23. **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.
24. **Best Management Practices & Notification of Adverse Impact.** In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under Condition 20 (Removal of Structures) 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.

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

26. **Expiration.** This permit shall expire on [20 years].

Issued by the Commissioner of Energy and Environmental Protection on:

Date

Emma Cimino
Deputy Commissioner