



## FACT SHEET

# Permitting Information for Large-Scale Filling Pilot Projects Using Beneficially Reclaimed Materials (Large-Scale Beneficial Filling Pilot Program)



This factsheet provides information on the types of permits that may be required by the Connecticut Department of Energy & Environmental Protection (DEEP) and the timing and sequencing of those permits for developers who are proposing to participate in the Large-Scale Beneficial Filling Pilot (LSBFP) Program. Pre-application permit assistance is available and recommended for applicants who intend to submit an application pursuant to [CGS Sec. 22a-209f\(c\)](#). To request a pre-application meeting, please complete the [Pre-Application Questionnaire](#) and submit it to [DEEP.OPPD@ct.gov](mailto:DEEP.OPPD@ct.gov).

Environmental permits are necessary to make sure that filling operations with reclaimed material are managed in accordance with best practices and in a manner that protects the environment and public health. Not all of the permits listed in this factsheet may be necessary and permitting requirements will be dependent on the details of the specific project and project site and may be able to be submitted and processed concurrently.

**The following components of the project must be completed prior to the submission of the LSBFP Program application to the Waste Engineering and Enforcement Division:**

**A. Placement Site Selection** – During the site selection process, the applicant must assess the suitability of the filling or placement site based on the requirements of the law. Two primary environmental siting criteria must be evaluated:

- 1. Determine if the project is proposed for a location in an Aquifer Protection Area (APA)** by conducting a review of [Aquifer Protection Area Maps](#). Review the [APA](#) maps to determine if the site is located in a Level A or Level B mapped aquifer protection area and check the appropriate box.
- 2. Identify the quality classification of the groundwater** underlying the proposed site by reviewing the [interactive groundwater quality classifications map](#) to determine if the proposed site is located in an area where the Groundwater Quality is classified as GB or GC and is served by a [public drinking water supply](#).

**Pursuant to CGS Section 22a-209f(c)(3), if your site is within either a Level A or Level B aquifer protection area or if the proposed site is located in an area where the Groundwater Quality is classified as GA or GAA, the site is ineligible for the pilot program.**

**B. Municipal Approvals, Public Participation, and Environmental Justice** – Regardless of whether the proposed LSBFP Program placement site is located within an environmental justice (EJ) community, each prospective applicant must comply with the requirements of CGS Section 22a-20a(b), including having developed, submitted, and obtained Commissioner approval of **both** an EJ Public Participation Plan (EJPPP) and the EJ Public Participation Report **prior to** submittal of the LSBFP Program application to DEEP.

Additional requirements pursuant to [CGS Section 22a-20a\(b\)](#), include the applicant consulting with the chief elected official(s) of the municipality(ies) in which the placement site is located to evaluate the need for a community environmental benefit agreement (CEBA). If applicable, the CEBA must be submitted along with copies of all applicable municipal approvals of the proposed site, including but not limited to, those from Planning & Zoning Commissions, Inland Wetland Agencies, and Building Departments, **prior** to submitting the LSBFP Program application to DEEP. A copy of the CEBA agreement must be submitted before DEEP will proceed to the web publication of a Notice of Intent to Issue the LSBFP Program permit. **Information submitted to DEEP regarding the environmental setting and redevelopment must be the same as submitted for local land use evaluation.** Please review the [LSBFP Program Application](#) and the [LSBFP Program Instructions](#) for more detailed information about permit application requirements.

**C. Waste Engineering and Enforcement Division (WEED)** – For the LSBFP program, DEEP will issue no more than four (4) pilot project authorizations for the use of beneficially reclaimed materials for placement locations that need **a minimum 100,000 cubic yards of fill** when there is an engineering need for such materials to facilitate the redevelopment of environmentally impaired or underutilized land. Such authorizations shall not be issued for a site which has already been permitted by DEEP for placing fill; authorizations must be consistent with the requirements of the federal Resource Conservation and Recovery Act (RCRA), 42 UCS 6901 et seq.; and the use of beneficially reclaimed materials shall not harm or present a threat to public health, safety, or the environment.

Applicants must retain a licensed CT Professional Engineer (P.E.) to review and certify all site plans. A CT Licensed Environmental Professional (LEP), or comparable licensed professional, must be retained to certify supporting documentation, assist in preparing an application, and oversee all applicable aspects of the proposed activities. Additional details can be found in the [LSBFP Program Factsheet](#), the [LSBFP Program Application](#), and the [LSBFP Program Instructions](#).

**D. Natural Diversity Data Base (NDDB)** – As a component of the LSBFP Program application, it is necessary to determine if there are known occurrences of any state or federally-listed species within the impact area of the project site ([Section 26-306 of the Regulations of Connecticut State Agencies](#)). The project proponents must review DEEP's [NDDB Maps](#) to determine if the project is in a documented area of state-listed species and conduct an initial site evaluation to assess the potential for the presence of state-listed species. If in a documented area, consultation with DEEP's NDDB staff will be necessary to develop impact-avoidance and protection measures. Requests for NDDB Review can be submitted through [DEEP's ezFile Portal](#). Protection measures will be included in a determination letter from DEEP and must be included with applications for other state permits. Please note, it typically takes NDDB staff about 10 weeks to review and issue NDDB letters; however, if further survey work during a specific time of year is needed, the review process can take longer. A copy of the NDDB Determination letter and a copy of any mitigation measures developed for the filling activity and approved by NDDB must be submitted with the LSBFP Program application.

**E. Stormwater** – If the project will involve disturbing an area greater than one acre, the disturbance must comply with the terms and conditions of DEEP's [General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities](#) (Construction Stormwater General Permit).

Projects between one and five acres can comply with DEEP's Construction Stormwater General Permit by adhering to local land use requirements for erosion and sedimentation control; the [Connecticut Guidelines for Soil Erosion and Sediment Control](#), as amended; and the [Stormwater Quality Manual](#). Assuming there are applicable local requirements for project approval, no registration with DEEP is required for this category.

Eligible projects involving five or more acres of land disturbance approval must [register for coverage under DEEP's Construction Stormwater General Permit](#). The typical processing time for the Construction Stormwater General Permit registration is about 90 days, depending on the size of the project and whether the project is locally approvable or if it is locally exempt and will include a 30-day public notice period.

**F. Flood Management** – In the event that a proposed project will be located in a flood zone area, the permits described in this paragraph may apply. Projects on state property or that receive state funding, including grants or loans, that are located in a floodplain will require a Flood Management Certification from DEEP or an exemption from such certification requirements. Information on Flood Management Certificates and exemptions can be found on the [program factsheet](#). If the project site is located within the 100-year coastal flood zone, [Public Act 18-82](#), an Act Concerning Climate Change and Resiliency, requires that residential and community structures in areas subject to coastal flooding be elevated two feet above the base flood elevation to account for projected sea level rise. Additionally, [FEMA flood zone maps](#) should be consulted to avoid construction in the 100-year flood zone.

**G. Wetlands** – If beneficially reclaimed material will be used as fill to facilitate the reclamation or redevelopment of environmentally impaired or underutilized land, and will impact wetlands, watercourses, and coastal areas that meet the definition of waters of the United States, a permit from the U.S. Army Corps of Engineers (USACE) is required. Coverage may be provided by the [USACE Section 404 General Permit](#), or an Individual USACE permit may be required, depending on the disturbance. Additionally, such activities require a Section [401 Water Quality Certification \(WQC\) from DEEP](#).

The typical processing time for the USACE permit approval is about 12 months, and the typical processing time for DEEP's 401 WQC is about 12 months, running concurrently. More information about wetland permitting can be found at [EPA's Clean Water Act Section 404 site](#) and [DEEP's Connecticut Wetlands page](#).

**H. Public Notice** – Independent of the EJ requirements, Public Notice and engagement is required as a part of many permit processes and can be done concurrently for multiple permit applications. Upon completion of DEEP's technical review, a Notice of Intent to Issue or Deny the LSBFP Program application will be made by DEEP's Commissioner and will be published on DEEP's web site. There will be a public comment period of thirty days following the publication of such notice, during which interested persons may submit written comments to the Commissioner. After completion of the technical review and consideration of any public comments, DEEP will issue a final decision on the LSBFP Program authorization application.

**I. Other Considerations** – **Local permits are not covered in this factsheet.** It is the applicant's responsibility to ensure the proposed project meets all local requirements. All required local approvals must be obtained for the proposed site prior to submitting your LSBFP Program application.

Permit processing timelines are highly dependent on receiving an administratively and technically complete permit application. Therefore, DEEP recommends that you [request a pre-application meeting](#) before the application is submitted to ensure that your application package is complete at the time of submittal. Processing time for a typical application is dependent on the program. For average application processing times please see the [Permitting Timeframes webpage](#). Refer to [DEEP's Permits and Licenses page](#) for additional links and information on DEEP's permit programs.

During processing of your application, the applicant should respond promptly to requests for information to expedite the processing of the application. LSBFP Program Authorizations are issued for a 10 (ten) year term and can be modified and renewed.

**DEEP Air, Water, and Waste permit applications may be submitted concurrently. Public notice comment periods required by different permits may be coordinated.**

**Construction and operation cannot begin until permits are obtained.**

*This fact sheet is intended for informational purposes only based on the information available as of the date of its publication and does not represent a formal jurisdictional determination by which DEEP or any other permitting authority referenced will be bound. Information contained in this fact sheet does not represent a comprehensive list of all permit requirements potentially applicable, which in most cases can only be determined on a site-specific basis. It is intended only to provide information on permits that may be required. Refer to the most current statutes, regulations, and public acts for specific language pertaining to each permit. It is your responsibility to comply with all applicable laws. Contact DEEP ([DEEP.CONCIERGE@ct.gov](mailto:DEEP.CONCIERGE@ct.gov)) with questions regarding a specific site or project.*

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