



GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER AND DEWATERING WASTEWATERS FROM CONSTRUCTION ACTIVITIES

Modifications regarding Activities within Cold Water Stream Habitats

FACT SHEET

General Permit Background:

The DEEP first issued the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (general permit) on October 1, 1992. The general permit has been reissued, with and without modifications, several times since then, most recently on December 31, 2020. The purpose of the general permit is to protect waters of the state from erosion and sedimentation in stormwater runoff from construction activities as well as the potential pollutants that may be present in the post-construction stormwater discharges from the finished site. The general permit authorizes construction activities that disturb a total of one acre or more. For activities that disturb between one and five acres, a general permit registration is not required if the activity is reviewed and approved by a local land-use commission such as a planning and zoning, wetlands, or a conservation commission. The erosion and sediment control regulations developed by all Connecticut municipalities pursuant to the Connecticut Soil Erosion and Sediment Control Act (CGS sections 22a-325 through 22a-329) provide the assurance that these small construction activities will be in compliance with the general permit.

Cold Water Stream Habitats:

Under the general permit effective December 31, 2020, construction projects within a Cold Water Stream Habitat as defined in the general permit, must maintain a one-hundred (100) foot undisturbed buffer between any construction activity and any stream, river, or tributary included within the habitat. This buffer must consist of undisturbed soil and well-established existing vegetation and must be verified post-construction. Permittees that are unable to comply with these conditions may not utilize the general permit but must instead obtain coverage under an individual NPDES discharge permit.

Following consultations with staff from DEEP's Land and Water Resources Division, DEEP's Fisheries Division, and the Connecticut Department of Transportation, DEEP has modified the general permit to allow construction activities within the one-hundred (100) foot cold water habitat buffer if such activity is authorized by the Commissioner through other state permitting mechanisms and/or in coordination with the DEEP Fisheries Division. Any mitigation strategy authorized by the Commissioner must be verified post-construction.

Registrants for construction projects within one-hundred (100) feet of a cold water stream habitat are required to submit a completed DEEP Fisheries Consultation Form or documentation of official interagency coordination between the DEEP Fisheries Division and other state agency staff.

Modifications to the general permit are limited to Sections 3(b)(15), 4(d)(2)(j), 5(b)(2)(D)(vi) and Section (I)(2)(f) of Appendix I of the general permit.

List of Permit Modifications:

The following identifies specific changes or additions in the modified general permit. Items that are newly added to the permit are designated as **NEW**. Items that are changes to existing language or format from the current permit are designated as **MODIFIED**. Items that have been removed from the current permit are designated as **DELETED**.

SECTION 3. Authorization Under This General Permit

Section 3(b) Requirements for Authorization

- [MODIFIED] (15) Cold Water Stream Habitat

SECTION 4. Registration Requirements

Section 4(d) Contents of Registration

- (2) Registration Form
 - Subsection (J)
 - [NEW] Subparagraph (viii)

SECTION 5. Conditions of this General Permit

Section 5(b) Stormwater Pollution Control Plan

- (2) Stormwater Control Measures
 - (D) Other Controls
 - [MODIFIED] (vi) Cold Water Stream Habitat