



General Permit for Water Resource Construction Activities

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Expiration Date: May , 2034

**Bureau of Water Protection and Land Reuse
Land and Water Resources Division**

General Permit for Water Resource Construction Activities

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General Permit for Water Resource Construction Activities

Section 1. Authority

This general permit is issued under the authority of sections 22a-6, 22a-45a and 22a-378a of the General Statutes. For the purposes of this general permit, authorization under 22a-45a is limited to any proposed regulated activity conducted by any department, agency or instrumentality of the state, except any local or regional board of education.

Section 2. Definitions

As used in this general permit the following definitions shall apply:

“Authorized activity” means a regulated activity, including erection, placement, or maintenance of a structure or other facility, conducted or maintained under the authority of section 3 of this general permit.

“Beach Maintenance Plan” means a written plan for maintaining beach facilities. Such plan shall: describe the location of any such facilities; provide detailed maintenance activities to be carried out and typical design specifications and plans for such activities; estimate the quantities of material to be placed or removed in connection with such maintenance activities; describe procedures for disposal of excess material and solid waste generated in connection with such maintenance activities; and, provide the best management practices to be implemented while conducting such maintenance activities, including measures to ensure fish passage and minimize damage to habitat for fish, wildlife, or stream invertebrates.

“Best management practice” means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Best management practices include, but are not limited to: placement of erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands and watercourses; proper disposal of waste materials; procedures for equipment maintenance that prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; construction methods to maintain continuous stream flow; and, the confinement of in-stream work to protect fish and wildlife resources.

“Boat Launch Maintenance Plan” means a written plan for maintaining boat launch facilities. Such plan shall: describe the location of any such facilities; provide detailed maintenance activities to be carried out and typical design specifications and plans for such activities; estimate the quantities of material to be placed or removed in connection with such maintenance activities; describe procedures for disposal of excess material and solid waste generated in connection with such maintenance activities; and, provide the best management practices to be implemented while conducting such maintenance activities, including measures to ensure fish passage and minimize damage to habitat for fish, wildlife, or stream invertebrates.

“*CFR*” means Code of Federal Regulations.

“*Commissioner*” means the commissioner as defined by section 22a-2 of the General Statutes.

“*Compensatory mitigation*” means action taken which provides a gain of aquatic resource area and/or improvement of resource functions/values, to compensate for adverse impacts to aquatic resource(s) after avoidance and minimization have been achieved to the greatest extent practicable. Compensatory mitigation actions may include restoration, creation, or enhancement of an aquatic resource, and, in some circumstances, preservation may also be allowed to serve as compensation.

“*Consumptive use*” means any withdrawal or removal of water from the waters of the State, including but not limited to any withdrawal or removal from public or private water supply for industrial use, irrigation, hydropower generation, flood management, water quality management, recreation, landscaping ponds and decorative water fountains, or any other purpose or use.

“*Department*” means the Department of Energy and Environmental Protection.

“*Diversion*” means diversion as defined in section 22a-367 of the General Statutes.

“*Divert*” means divert as defined in section 22a-367 of the General Statutes.

“*Documented Legal Right*” means a written instrument which is recorded on the municipal land records and formalizes an easement, right of way, reserved right, agreement, obligation, or other legally enforceable act.

“*Drainage Maintenance Plan*” means a written plan for maintaining drainage facilities, and may include, without limitation, provision for channels, basins, bridges, culverts or pipes. Such plan shall: describe the location of any such facilities; provide detailed maintenance activities to be carried out and typical design specifications and plans for such activities; estimate the quantities of material to be placed or removed in connection with such maintenance activities; describe procedures for disposal of excess material and solid waste generated in connection with such maintenance activities; and, provide the best management practices to be implemented while conducting such maintenance activities, including measures to ensure fish passage and minimize damage to habitat for fish, wildlife, or stream invertebrates. Where the subject activity involves the construction, erection or maintenance of a structure or other facility, other than a highway or bridge, owned or operated by the State of Connecticut, such plan incorporates the applicable requirements for drainage basin stormwater management plans in section 25-68h-3 of the Regulations of Connecticut State Agencies.

“*Excess material*” means material such as soil, sand, gravel, stone, or debris, produced by the construction of an authorized activity which material is not utilized in such construction.

“*FEMA*” means the Federal Emergency Management Agency.

“Floodplain” means floodplain as defined in section 25-68b of the General Statutes.

“Floodway” means the regulatory floodway as defined in 44 CFR Section 59.1 for a particular watercourse and delineated on a map titled *Floodway & Flood Boundary Map* or *Flood Insurance Rate Map* issued by the FEMA for the municipality wherein such watercourse is located.

“Groundwater” means that portion of waters, as the term waters is defined in section 22a-367 of the General Statutes, located at or below the ground surface.

“Hydrologic and hydraulic design report” means a report consisting of engineering studies, design computations and other documentation as appropriate to fully and clearly describe the design of the proposed activity and the hydrologic and hydraulic effects thereof.

“Individual permit” means a permit issued by the commissioner to a named permittee pursuant to section 22a-39 or 22a-368 of the General Statutes.

“Infrastructure” means physical structures such as roads, bridges, multi-use trails, utilities, railways, and appurtenant structures necessary for the economy and governmental agencies to function.

“LWRD” means Land and Water Resources Division.

“Material” means material as defined in section 22a-38 of the General Statutes.

“Non-consumptive use” means any diversion of waters of the State due to channelizing, damming, collecting, piping, culverting, filling, relocating or dredging such waters or the detaining of stormwater for the purpose of stormwater management.

“Permittee” means any person or municipality whose request for authorization has been approved by the commissioner.

“Person” means person as defined in section 22a-2 of the General Statutes.

“Pollution” means pollution as defined in section 22a-423 of the General Statutes.

“Regulated activity” means any activity regulated by the commissioner under sections 22a-39 or 22a-368 of the General Statutes.

“Requester” means the person who submits to the commissioner a request for authorization.

“Request for authorization” means a request for authorization submitted under Section 4 of this general permit.

“Solid waste” means solid waste as defined in section 22a-207 of the General Statutes.

“State Property Use Plan” means a written plan approved by the commissioner for the

allowance of minor activities conducted on state property. Such plan may be amended from time to time provided such amendments are approved by the commissioner and shall include a process for validating that an entity conducting the activity has a *Documented Legal Right* to conduct such activity on State property. Such plan shall also identify State properties and the types of activities, including, but not limited to: placement of shoreline stabilization measures; installation of seasonal recreational structures; replacement or installation of drainage pipes or culverts for road crossings; replacement or installation of utility infrastructure; and identification of best management practices to be implemented while conducting such activities, including measures to ensure fish passage and minimize damage to habitat for fish, wildlife, or stream invertebrates.

“*Structure*” means any man-made object erected or placed above, on, or in the ground or under water.

“*Surface water*” means that portion of waters, as defined in section 22a-367 of the General Statutes, located above the ground surface.

“*Trail Maintenance Plan*” means a written plan for maintaining recreational trails. Such plan shall: describe the location of any such facilities; provide detailed maintenance activities to be carried out and typical design specifications and plans for such activities; estimate the quantities of material to be placed or removed in connection with such maintenance activities; describe procedures for disposal of excess material and solid waste generated in connection with such maintenance activities; and, provide best management practices to be implemented while conducting such maintenance activities, including measures to ensure fish passage and minimize damage to habitat for fish, wildlife, or stream invertebrates.

“*Watercourses*” means watercourses as defined in section 22a-38 of the General Statutes.

“*Waters*” means waters as defined in section 22a-367 of the General Statutes.

“*Wetlands*” means wetlands as defined in section 22a-38 of the General Statutes.

Section 3. Authorization Under This General Permit

(a) *Eligible Activities*

(1) Drainage Maintenance

Excavate accumulated sediment or remove brush; clean or reshape a sediment basin; install and repair the end wall of a culvert or bridge; repair erosion damage at pipe or culvert inlet or outlet; repair drainage pipe or culvert; replace or extend a drainage pipe or culvert with a maximum diameter of 42 inches and which is no more than ten feet (10) from the inlet and outlet sides of the culvert and receives drainage from a watershed of one (1) square mile or less. Such activities shall be performed pursuant to a Drainage Maintenance Plan that has been approved, in writing, by the commissioner under Section 4 of this general permit provided that any such activity does not involve placement of more than fifty (50) cubic yards of fill; impact more than four hundred

(400) sq. ft of wetlands or watercourses; and is not greater than seventy five (75) feet in length from the inlet and outlet sides of a drainage pipe, culvert or bridge.

(2) Trail Maintenance

Repair or replace existing nature access structures; repair or replace footings, foundations, piers, structural piles, posts or supports for a boardwalk; grade and place fill for the installation of landscape timbers and / or stone walls; place or remove fill for the maintenance of an existing path or trail. Such activities shall be performed pursuant to a Trail Maintenance Plan that has been approved, in writing, by the commissioner under Section 4 of this general permit.

(3) Boat Launch Maintenance

Repair or replace, in-kind, existing boat launch ramps; remove accumulated sediment; remove/replace/repair docks, pilings, bulkheads and associated structures; install fencing and signage; repair culvert potholes; repair ADA walkways and associated ramps; install/relocate concrete wheel stops; fill end of ramp scour holes with stone; and place riprap on side slopes to address erosion. Such activities shall be performed pursuant to a Boat Launch Maintenance Plan that has been approved, in writing, by the commissioner under Section 4 of this general permit.

(4) Beach Maintenance for Inland Beaches

Re-grade existing beaches; replace sand on existing beaches to fill sink holes or eroded areas. Such activities shall be performed pursuant to a Beach Maintenance Plan that has been approved, in writing, by the commissioner under Section 4 of this general permit. This general permit is not intended to authorize the expansion of any beach area beyond existing limits.

(5) Minor Activities Conducted on State Property

Activities such as, but not limited to; shoreline stabilization measures (grading, placement of fill, installation, or maintenance of landscape timbers and/or stone walls); installation or maintenance of structures (docks or swim floats); replacement or installation of drainage pipes or culverts for road crossings; and replacement or installation of utility conduits. Such activities shall be performed pursuant to a State Property Use Plan approved, in writing, by the commissioner under Section 4 of this general permit provided any such activities shall not involve placement of more than twenty-five (25) cubic yards of fill or impact more than 0.15 acres of wetlands or watercourses.

(6) Trail Construction

Construction of a new boardwalk or trail; expansion or extension of an existing boardwalk, trail or nature access structure including the installation of footings,

foundations, piers, structural piles, posts or supports; grading and placement of fill for the installation of landscape timbers and / or stone walls associated with a trail. Such activities shall not involve placement of more than fifty (50) cubic yards of fill or impact more than a total of 0.15 acres of wetlands and watercourses.

(7) State Facility Upgrades for Resilience

Reconstruction of an existing state facility for resilience from flooding and extreme weather events. Activities may include, but are not limited to the following: construction of a dry egress pathway for emergency access to an existing facility; installation of geotextiles or vegetative buffer strips for slope stabilization; elevation of an existing site for the purposes of providing dry floodproofing; raising of an existing structure above the base flood elevation; improvements to existing stormwater management systems; installation of a generator for the purposes of providing emergency backup power and upgrading of facilities in general (including but not limited to sidewalks or parking lots). Such improvements shall have no more than 0.20 acres of permanent impacts to wetlands & watercourses.

(8) Infrastructure Installation & Repairs

Placement of fill for roadway widening; repair or replacement of a bridge; and placement, repair, or replacement of cables, conduits or pipelines with multiple stream or wetland impact locations. Such improvements shall have no more than 0.20 acres of permanent impacts to wetlands and watercourses and no more than 0.20 acres of temporary impacts to wetlands and watercourses.

Placement of fill for roadway widening; repair or replacement of a bridge; and placement, repair, or replacement of cables, conduits or pipelines with a single wetland or watercourse impact location. Such improvements shall have no more than 0.15 acres of permanent impacts to wetlands and watercourses and no more than 0.15 acres of temporary impacts to wetlands and watercourses.

(9) Conservation Activities

Placement of fill for the enhancement of wetland areas and alteration of existing hydraulic structures associated with conservation of fish and wildlife habitats. Such improvements shall have no more than 0.20 acres of permanent impacts to wetlands and watercourses and no more than 0.20 acres of temporary impacts to wetlands and watercourses.

(10) Infrastructure Projects with Interagency Coordination

Any activity for which an authorization has been granted under a Department of Army (US Army Corps of Engineers) General Permit, Self-Verification, provided: 1) the commissioner has granted a section 401 water quality certification for such Department of the Army General Permit, 2) the activity is consistent with the section 401 water quality certification granted by the commissioner for such Department of the Army General Permit, and 3) the conditions of Section 3(b) of this general permit have been satisfied. *The issuance of a provisional permit or authorization by the Army Corps of*

Engineers for an activity does not satisfy the requirements for authorization under this general permit.

(b) Requirements for Authorization

This general permit authorizes a regulated activity listed in Section 3(a) of this general permit, provided:

- (1) For those activities identified under Section 3(a) (10) of this general permit, a completed LWRD License Application Transmittal Form, designated fee has been filed with the commissioner and the commissioner notifies the requestor in writing of the receipt of a completed request and acknowledges such activity is eligible for authorization under this general permit.
- (2) For those activities identified under Section 3(a) (1) through (9), inclusive, of this general permit, a completed LWRD License Application Transmittal Form and designated fee has been filed with the commissioner **and** the commissioner subsequently issues a written approval to the requestor.

(3) Flood Management Certification by State Agency

If such activity is maintained or proposed by a Connecticut state agency, such agency has complied with and obtained approval from the commissioner in accordance with sections 25-68b through 25-68h, inclusive, of the General Statutes, and sections 25-68h-1 through 25-68h-3, inclusive, of the Regulations of Connecticut State Agencies.

(4) Floodplain Management

Such activity does not and will not cause or contribute to flooding or flood hazards, permanently obstruct a floodway, or interfere with federal, state or local flood management efforts, and does and will comply with 44 CFR Parts 59 through 79, inclusive.

(5) Coastal Permits

If such activity is located, wholly or in part, waterward of the coastal jurisdiction line in tidal, coastal, or navigable waters of the State or in tidal wetlands, that said activity has been authorized pursuant to sections 22a-359 through 22a-363f, inclusive, or 22a-28 through 22a-35, inclusive of the General Statutes.

(6) Endangered and Threatened Species and Species of Special Concern

Such activity does not threaten the continued existence of any species listed pursuant to section 26-306 of the General Statutes and will not result in the destruction or adverse modification of habitat designated as essential to such species.

(7) Aquifer Protection

Such activity, if located within an aquifer protection area as mapped under section 22a-354b of the General Statutes, complies with sections 22a-354i-1 through 22-354i-10, inclusive, of the Regulations of Connecticut State Agencies.

(8) Conservation and Preservation Restrictions

If such activities are located on or may affect property subject to a conservation or preservation restriction, pursuant to section 47-42d of the General Statutes, proof of written notice to the holder of such restriction of the proposed activity's registration pursuant to this general permit or a letter from the holder of such restriction verifying that the proposed activity is in compliance with the terms of the restriction shall be provided to the commissioner prior to the start of the regulated activity.

(9) Wetland and Watercourse Mitigation

In constructing or maintaining the activities authorized herein, in the event that irreversible or irretrievable loss of wetland or watercourse resources occurs, the commissioner may require compensatory mitigation to be performed pursuant to section 22a-41 of the General Statutes. If mitigation is required to be performed as compensation for loss, the mitigation work shall be consistent with the terms and conditions of an approved mitigation plan, as authorized by the commissioner.

(c) ***Geographic Area***

This general permit shall apply throughout the State of Connecticut.

(d) ***Effective Date and Expiration Date of This General Permit***

This general permit shall be effective on the date it is issued and shall expire on that date ten (10) years thereafter.

(e) ***Effective Date of Authorization***

(1) For those activities eligible for authorization under Section 3(a) (10) of this general permit, an activity is authorized on the date the commissioner notifies the registrant in writing of the receipt of a completed registration, which includes the applicable fee and acknowledges such activity is eligible for authorization under this general permit.

(2) For those activities eligible for authorization under Section 3(a)(1) through (9), inclusive, of this general permit, where an approval from the commissioner is required, the effective date of authorization of such activity shall be the date the commissioner issues a written approval of such request for authorization for such activity.

(f) Transition to and from an Individual Permit

No person shall operate or conduct an activity authorized by both an individual permit and this general permit. The requirements for transitioning authorization are as follows:

- (1) *Transition from an Individual Permit to Authorization under this General Permit.*
If an activity meets the requirements for authorization under this general permit and such operation or activity is presently authorized by an individual permit, the entity to whom any such individual permit has been issued (“the Permittee”) may surrender the right to operate or conduct any activity under such individual permit. The Permittee shall acknowledge its intention to surrender its permit in writing on a form prescribed by the commissioner. However, any such surrender shall not take effect, and such Permittee’s individual permit shall continue to apply, until the date that the commissioner issues an authorization for such operation or activity under this general permit.
- (2) *Transition from Authorization under this General Permit to an Individual Permit.*
If the commissioner approves a request for authorization under this general permit and subsequently issues an individual permit for the same activity, then on the date any such individual permit is issued by the commissioner, the authorization issued under this general permit shall automatically expire.

(g) Activities Not Authorized by This General Permit

A regulated activity may not lawfully be conducted or maintained unless it is authorized under this general permit or authorized by an individual permit.

- (1) The diversion of water for consumptive use is not authorized by this general permit.
- (2) Any activity for which the commissioner has denied eligibility for federal Clean Water Act section 401 Water Quality Certification or under Department of the Army Regional General Permits for the State of Connecticut is not authorized by this general permit.

Section 4. Request for Authorization

(a) Who Must File a Request for Authorization

Any person or municipality seeking to undertake a regulated activity under the authority of this general permit, shall file with the commissioner: 1) a request for authorization which meets the requirements of Section 4 of this general permit; and 2) the applicable fee.

Note: Activities that received authorization under the **General Permit for Water Resources Construction Activities**, issued April 2, 2014 shall cease if a

registration form is not submitted within one hundred twenty (120) days of the effective date of this general permit. Such activities shall be performed in accordance with the requirements of the ***General Permit for Water Resources Construction Activities***, issued April 2, 2014, until their cessation or until registration with this general permit has been completed.

(b) Scope of Request for Authorization

A requester shall file a request for authorization for each site where an activity or activities are proposed. Where activities are proposed to be conducted at more than one site, a separate request for authorization shall be filed for each site.

(c) Contents of Request for Authorization

(1) Fees

- (A) The filing fee of \$ 5,000 shall be submitted upon each request for authorization for activities pursuant to Sections 3(a) through (8), inclusive, of this general permit except: 1) the request for authorization fee for a municipality for such activities shall be discounted 50% or 2) the request for authorization fee shall be discounted 50% if the filing is done electronically.
- (B) The filing fee of \$ 2,500 shall be submitted with each request for authorization for activities pursuant to Sections 3(a) (9) and (10) of this general permit except: 1) the request for authorization fee for a municipality for such activities shall be discounted 50% or 2) the request for authorization fee shall be discounted 50% if the filing is done electronically.
- (C) In accordance with 22a-6f of the General Statutes, no fee shall be required from any agency, board, commission, council, or department of the state, provided that the agency, board, commission, council or department of the state has compensated the Department in an amount equal to such fee pursuant to a written agreement.
- (D) The filing of any request for authorization shall not be deemed complete and no activity shall be authorized by this general permit unless the filing fee has been paid in full.
- (E) The filing fee shall be paid by check or money order payable to the Department of Energy and Environmental Protection. Filing fees paid by state agencies may be paid by means of a service transfer or invoice.
- (F) All requests for authorization fees are non-refundable.

(2) Information Requirements and Request for Authorization

A request for authorization shall be filed on forms prescribed and provided by the commissioner and shall include but not be limited to the following:

- (A) Legal name, address, email address and telephone number of the requester. If the requester is an entity transacting business in Connecticut and is required to register with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State.
- (B) Legal name, address, email address and telephone number of the owner of the property on which the subject activity is to take place.
- (C) Legal name, address, email address and telephone number of the requester's attorney or other representative, if applicable.
- (D) Legal name, address, email address and telephone number of any consultant(s) or engineer(s) retained by the requester to prepare the request for authorization or to design or construct the subject activity.
- (E) Location address of the site with respect to which the request for authorization is submitted.
- (F) Location Map - A depiction, on an 8.5" x 11" copy of the relevant portion of the most recent version of the United States Geologic Survey topographic map (Scale 1:24,000), of the exact location of the property at which such activity will be conducted.
- (G) A description of the present and intended use(s) of the property at which such activity will be conducted and the reason for conducting such activity.
- (H) A description of all natural and manmade features, including wetlands, watercourses, fish and wildlife habitat, floodplains, and structures and appurtenances thereto, potentially affected by the subject activity.
- (I) A plan of the site ("site plan") showing its boundaries, the location of the subject activity and section views, as appropriate, of the property at which such activity will be conducted, depicting the location and design of such activity, existing and proposed topography, the legal boundaries of such property, the location of wetland soil types, the location of tidal wetlands, watercourses, vernal pools, and coastal resources on and immediately adjacent to such property, the sequence of construction or other actions associated with the proposed activities, including placement and removal of any temporary fill or structures, the location of all erosion and sedimentation control measures, the location on such property where any excess materials resulting from construction at such property may be placed, a north arrow and distance scale, and a title block indicating the name of the requester, the name of the individual who prepared the plan,

and the date(s) such plan was prepared or revised. If such property is located in a floodplain, the plan shall also depict the location of any floodway, the elevation of the base flood. The plan may incorporate existing natural resource maps and shall be of sufficient scale and detail to adequately depict the existing and proposed conditions of such property.

- (J) The signature of the requester and of the individual or individuals responsible for preparing the request for authorization, 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 those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I certify that this request for authorization is on complete and accurate forms as prescribed by the commissioner without alteration of their text. I certify that a complete copy of this request for authorization, including all documents attached thereto, was sent by regular or certified mail or was hand delivered to the municipal wetlands agency, zoning commission, planning commission or combined planning and zoning commission, and conservation commission of each municipality which is or may be affected by the subject activity. I understand that a false statement made 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 of the General Statutes, and in accordance with any other applicable statute.”

(d) Where to File a Request for Authorization

1. Submit a hardcopy of a completed LWRD License Application Transmittal Form and filing fee, to:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

Applications will not be processed without the fee. The fee shall be non-refundable and shall be paid by check or money order to the Connecticut Department of Energy & Environmental Protection. State Agencies should submit the applicable registration/application package without the application fee and check the box in Part I to indicate the fee will be paid by Inter-Agency Transfer of Funds.

2. Upon receipt of the Transmittal Form and fee, the Central Permit Processing Unit

(CPPU) will e-mail a confirmation receipt letter to the requestor containing the Department assigned application number.

3. Upon receipt of the email from CPPU, the requestor is to electronically submit the full application package with the remaining required forms in accordance with the following steps:

- a. Send an empty/blank email to DEEP.LWRDRegulatorySubmittals@ct.gov
- b. An automated email response will contain instructions for uploading the Transmittal Form and applicable Program Forms, management plans, or additional supporting documents of your application to the LWRD File Transfer Protocol (FTP) website.
- c. Follow directions contained in the email for uploading the application sections.

If you are not capable of submitting the application electronically or if you have other questions or concerns regarding application submittals, please contact LWRD staff at 860-424-3019.

(e) Copy to Municipality

A copy of such LWRD License Application Transmittal Form shall be filed before the date that the activity is proposed to be initiated with the inland wetlands agency, zoning commission, planning commission or combined planning and zoning commission, and conservation commission of each municipality which is or may be affected by the subject activity.

(f) Additional Information

The commissioner may require a requester to submit additional information, which the commissioner reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit.

(g) Action by Commissioner

- (1) The commissioner may reject without prejudice a request for authorization if it is determined that it does not satisfy the requirements of Section 4(c) of this general permit, or more than thirty (30) days have elapsed since the commissioner requested that the requester submit additional information or the required fee and the requester has not submitted such information or fee. Any request for authorization refiled after such a rejection shall be accompanied by the fee specified in Section 4(c)(1) of this general permit.
- (2) The commissioner may disapprove a request for authorization if it is found that the subject activity is inconsistent with the requirements for authorization under Section 3 of this general permit, or for any other reason provided by law.

- (3) Disapproval of a request for authorization under this subsection shall constitute notice to the requester that the subject activity may not lawfully be conducted or maintained without the issuance of an individual permit.
- (4) The commissioner may approve a request for authorization with reasonable conditions. If the commissioner approves a request for authorization with conditions, the requester shall be bound by such conditions as if they are a part of this general permit.
- (5) Rejection, disapproval, or approval of a request for authorization shall be in writing.

Section 5. Conditions of This General Permit

(a) Operating Conditions

- (1) A requester shall ensure that each action with respect to the authorization under this general permit is, as applicable, constructed and maintained in accordance with the *Connecticut Guidelines for Soil Erosion and Sediment Control*, published by the Connecticut Council on Soil and Water Conservation pursuant to section 22a-328 of the General Statutes and in accordance with the Connecticut Stormwater Quality Manual.
- (2) A requester shall assure that all excavated or dredged material shall be staged and managed in accordance with all applicable laws including, but not limited to, the provisions of the most recently issued General Permit for Contaminated Soil and/or Sediment Management (Staging and Transfer).

(b) Reporting and Record Keeping Requirements

(1) Contractor Notification

If the authorized activity will be constructed by a person(s) under contract to the requester, the requester shall (A) give a copy of this general permit and of requester's approval of authorization hereunder to such contractor(s) prior to the start of construction, and (B) for one year after completion of the authorized activity, retain a written receipt for such copy, signed and dated by such contractor(s).

(2) Record Keeping and Reporting of Maintenance Activities

With respect to maintenance plans as described in Section 3(a) (1), (2), (3), (4) and (5) of this general permit and authorized hereunder, the requester shall maintain a record of each action undertaken pursuant to such plan. Such record shall include the date(s) each such action was undertaken, a brief description thereof, the quantities of any material placed or removed in connection therewith, and the location of such activity. The requester shall submit a copy of such record

to the commissioner on January 30th of the year after the date the commissioner approved the request for authorization and shall continue every January 30th thereafter to submit to the commissioner a copy of such record, as it applies, to the preceding twelve months.

(c) Recording and Reporting Violations

Within 48 hours after the requester learns of a violation of this general permit, the requester shall report the same in writing to the commissioner. Such report shall be sent to the following e-mail address: DEEP.LWRDRegulatory@ct.gov

And include the following information:

- (1) the provision(s) of this general permit that has been violated;
- (2) the date and time the violation(s) was first discovered and by whom;
- (3) the cause of the violation(s), if known;
- (4) if the violation(s) has ceased, the duration of the violation(s) including exact date(s) and time(s) it was corrected;
- (5) if the violation(s) has not ceased, the anticipated date when it will be corrected;
- (6) 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;
- (7) the signature of the requester and of the individual(s) responsible for preparing such report, each of whom shall certify 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 those 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 made in this document or its attachments may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.”

(d) Modification of Authorized Activity

In conducting and maintaining the activity authorized by this general permit, the requester shall not make any alteration, except a de minimis alteration which does not change the footprint, character and nature of the regulated impacts.

(e) Completion of Authorized Activity

If the requester does not complete the authorized activity within five years after the date of the applicable authorization, said authorization shall be null and void.

Section 6. General Conditions

(a) Reliance on Request for Authorization

When evaluating a request for authorization, the commissioner relies on information provided by the requester. If such information proves to be false or incomplete, the authorization issued under this general permit may be suspended or revoked in accordance with law, and the commissioner may take any other legal action provided by law.

(b) Duty to Correct and Report Violations

Upon learning of a violation of a condition of this general permit, a requester shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further such violation, and report in writing in accordance with Section 5(c) of this general permit.

(c) Duty to Provide Information

If the commissioner requests any information pertinent to the authorized activity or to determine compliance with this general permit or with the requester's approval of request for authorization, the request shall provide such information in writing within thirty (30) days of such request. Such information shall be certified in accordance with Section 6(d) of this general permit.

(d) Certification of Documents

Any document, including but not limited to any notice, which is submitted to the commissioner under this general permit shall be signed by, as applicable, the requester in accordance with section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, 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 those 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 made 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 of the General Statutes, and in accordance with any other applicable statute.”

(e) Date of Filing

For purposes of this general permit, the date of filing with the commissioner of any document is the date such document is received by the commissioner. The word "day" as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day.

(f) False Statements

Any false statement in any information submitted pursuant to this general permit or the request for authorization may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, section 53a-157b of the General Statutes, and any other applicable statute.

(g) Correction of Inaccuracies

Within fifteen (15) days after the date a requester becomes aware of a change in any information in any material submitted pursuant to this general permit or becomes aware that any such information is inaccurate or misleading or that any relevant information has been omitted, such requester shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be certified in accordance with Section 6(d) of this general permit. The provisions of this subsection shall apply both while a request for authorization is pending and after the commissioner has approved such request.

(h) Transfer of Authorization

Authorization under this general permit is transferable only in accordance with the provisions of section 22a-6o of the General Statutes.

(i) Other Applicable Law

Nothing in this general permit shall relieve the requester of the obligation to comply with any other applicable federal, state, and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

(j) Other Rights

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the requester may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

Section 7. Commissioner's Powers

(a) Abatement of Violations

The commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a requester's authorization hereunder in accordance with sections 22a-3a-2 through 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the commissioner by law.

(b) General Permit Revocation, Suspension, or Modification

The commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health and the environment.

(c) Filing of an Individual Permit Application

If the commissioner notifies a requester in writing that such requester must obtain an individual permit to continue lawfully conducting the activity authorized by this general permit, the requester may continue conducting such activity only if the requester files an application for an individual permit within sixty (60) days of receiving the commissioner's notice. While such an application is pending before the commissioner, the permittee shall comply with the terms and conditions of this general permit. Nothing herein shall affect the commissioner's power to revoke a requester's authorization under this general permit at any time.

Issued Date: _____

Emma Cimino
Deputy Commissioner