Connecticut DOT

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Bureau of Engineering and Construction
Bureau of Policy and Planning

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ENGINEERING & CONSTRUCTION-POLICY & PLANNING DIRECTIVE

Mark D. Rolfe, P.E. Digitally signed by Mark D. Rolfe, P.E DN: E=Mark.Rolfe@ct.gov, CN="Mark D. Rolfe, P.E", OU=Department of Transportation, OU=Deputy Commissioner / Chief Engineer, OU=Office of the Commissioner, O=State of Connecticut, L=Newington, S=Connecticut, C=US Date: 2020.03.19 16:09:42-04'00'

Bureau Chief
Engineering and Construction

Thomas Maziarz 2020.03.09 08:40:40-04'00'

Bureau Chief
Policy and Planning

Project Risk and Permitting

This directive implements the results of a collaborative effort to continue process improvements in the Bureau of Engineering & Construction and the Bureau of Policy & Planning to deliver the Department's Capital Program. Both Bureaus are committed to the pursuit of efficient, environmentally-sensitive project development and securing timely approval (e.g., permits) for regulated activities while minimizing negative effects on project delivery.

Supplemental to this directive are the Roles and Responsibilities Chart and Environmental Coordination & Permitting Process Map which outline how lead projects from State-Design, Consultant Design and other units in which consultants prepare permits, under the Bureau of Engineering & Construction will be permitted, including the process, information, and communication required to implement the process improvements.

This directive will cover projects that have scheduled Design Approvals after March 1, 2020.

This Directive supersedes the following

1. Assignment of Coordinated Environmental Roles (ECPPD-2017-2)
2. Review Process for Preliminary Permit Plan Sets (ECB-2019-2)
3. Process Map for Environmental Permitting

A. Roles & Responsibilities

The Bureau of Policy & Planning's Office of Environmental Planning (OEP) and the Bureau of Engineering & Construction's Engineering Project Coordination (EPC) unit have the responsibilities to support design teams in developing permittable Construction projects and securing regulatory approvals.

OEP includes three units directly involved with project permitting: Natural Resource Planning; Environmental Permitting; and Environmental Resource Compliance. Each unit generally performs functions that align with a capital project's major phases: planning, design, and construction, respectively. The table entitled Roles and Responsibilities Chart outlines the main

responsibilities of each OEP unit and Engineering for delivering permit applications. The table also highlights critical roles/tasks of other supporting units such as Hydraulics & Drainage that support the development of permit applications.

B. Project Initiation Phase

A Pre-Screening section has been added to the Permit Need Determination Form (PNDF) to accommodate the conceptual phase of projects. The pre-screening process is available to designers to identify potential environmental resource concerns, which may require a longer timeframe to permit.

As the Highway Management, Bridge Management, or any other units initiating projects are conceptualizing projects, requests for PNDF pre-screening via completion of the corresponding portion of the PNDF should be sent to the Supervisor of the Natural Resource Planning unit and cc's in accordance with the OEP/EPC Distribution List.

At the time of the pre-screening, the Natural Resource Planning unit will initiate any coordination with Department of Energy and Environmental Protection (DEEP) Fisheries. The Natural Resource Planning unit will identify, and communicate back to the lead Engineering unit, the types of permitting tasks that may require longer timeframes such as: to acquire permits, coordinate between agencies, or field species surveys identified through the pre-screen process to better inform initial project schedules. To the extent that enough project information is available, other agency coordination (e.g., DEEP Wildlife Natural Diversity Data Base (NDDB), Essential Fish Habitat (EFH)/Endangered Species Act (ESA), Coast Guard, Army Corps of Engineers Navigation and 408 Issues) will be initiated by Natural Resource Planning.

C. Preliminary Design Phase

The lead Engineering unit is responsible for notifying Natural Resource Planning once a project has been initiated and funded.

Regardless of whether or not the Pre-Screening section of the PNDF was previously completed, the lead Engineering unit shall send the PNDF Part 1 request to the OEP Natural Resource Planning unit and cc's in accordance with the OEP/EPC Distribution List. The lead Engineering unit is responsible for providing Natural Resource Planning a project location map, pictures of the project site, and a detailed project description that outlines as much of the scope of the project as is available. Once this information is received, the Natural Resource Planning unit will conduct any additional project screening activities necessary to identify environmental resources (e.g., fisheries, NDDB, species of concern, etc.) and then complete the State Projects - Part 1 Section of the PNDF.

The lead Engineering unit shall invite the Natural Resource Planning unit to the survey scoping meetings to ensure that Survey obtains all necessary environmental features. The Supervisors of the Natural Resource Planning, Environmental Permitting, Environmental Resource Compliance, and Engineering Project Coordination (EPC) units should be invited to any Preliminary Design meetings (e.g. Highway Design, Scoping Meeting or Bridge Rehabilitation Study Report meetings).

Upon completion of the PNDF Part 1, the Natural Resource Planning unit will update the Environmental Site Tracking Page (ESTP) with the anticipated permits for the project. This preliminary list is to be utilized to set the initial project schedule with the understanding that permit requirements will not be finalized until the scope of the project impacts are fully determined.

To the extent that the Preliminary Design plans include the relevant information, Environmental Permitting will review to determine whether preliminary list of permits in ESTP is still accurate and will update ESTP as needed. This information in ESTP can be relied upon for preparing the project's Design Approval memo.

D. Final Design

For planning purposes, project teams should be timing the preparation of Permit Plan Sets and permit applications with the intent to submit final applications to the regulatory agencies generally no later than the project schedule's midpoint between Design Approval and Final Design Plans (e.g., 60% design completion). This approach is to obtain permit approvals prior to delivery of Final Design Plans, with the ultimate goal of permit approvals as soon as possible following Preliminary Design Phase. However, based on the project's specific permitting needs, the review lead-times required by the regulatory agencies will vary and should be factored in when determining the ideal deadline for permit application submissions.

To expedite the permit development process, a Review Process for Preliminary Permit Plan Sets (hyperlink) has been developed.

1. Preliminary Permit Plan Set

As the hydraulic and drainage design for a project is being finalized, the lead Engineering unit will prepare a Preliminary Permit Plan Set. As the Permit Plan set is the cornerstone of permit applications, the review process outlined below is intended to:

- confirm or further refine the permits required for the project;
- ensure a consistent Permit Plan Set is available for all designs; and
- reduce design/review iterations for permit applications completed by Consultant Designers.

The process involves an initial review of the Preliminary Permit Plan Set by EPC. Consultant Designers, who will remain responsible for the preparation of a projects permit applications, are strongly encouraged to follow the Preliminary Permit Plan review process prior to initiating work

on the permit applications in order to maintain consistency and accuracy and to prevent the propagation of outdated or incorrect information.

The lead Engineering unit shall send the Preliminary Permit Plan Set only to the EPC unit for review. The Preliminary Permit Plan Set should be developed after Design Approval and the completion of the conceptual drainage design and preliminary hydraulics (soon after the 30% milestone). Transmittal shall be done via email with an attached pdf of the Preliminary Permit Plan Set.

EPC staff will conduct a cursory review of the Preliminary Permit Plan Set. If information necessary to conduct an informative review is missing or incorrect, EPC will request that the designer revise and resubmit.

Following the process outlined above, EPC will forward the Preliminary Permit Plan Set to OEP Environmental Permitting and OEP Environmental Resource Compliance for review. EPC will schedule a Preliminary Permit Plan Set review meeting with the lead Engineering unit and OEP for the purposes of providing feedback to the design team with respect to any major issues and discussing which permit applications can be initiated. Any potential design changes that may impact the hydraulic model/design will be shared with Hydraulics and Drainage. If the project has not already been reviewed at an Interagency Coordination Meeting, it will be decided at this time whether the project must be presented.

After the Preliminary Permit Plan Set review meeting, any marked up plans will be provided to the design team by EPC (there will be no formal comments in a memo form) and OEP will provide the designer with a completed and signed PNDF Part 2 that will indicate the applicable permits (unless additional information at the Interagency Coordination Meeting is anticipated for a final determination of permit needs).

2. Permit Applications

a. State Design

For State Design projects, OEP Environmental Permitting may begin preparation of the permit applications based on the Preliminary Permit Plan Set review and best available design information.

In addition to the Final Permit Plan Set, the following will need to be provided (via a link to an editable document in ProjectWise or COMPASS) to Environmental Permitting by the lead State Design Engineering unit in order for the project's permit applications to be prepared:

- Permit preparation request memo
- Purpose & Need
- Alternatives Analysis (e.g. Rehabilitation Studies Report (RSR))
- Preliminary Design Report
- A completed Hydraulic Table (as soon as available)

- Milestone Construction Schedule
- Proposed construction narrative.

Final permit applications prepared by Environmental Permitting will be signed by the Policy & Planning Bureau Chief. All transmittal memos and letters for State design projects will be prepared by Environmental Permitting, which will also be responsible for delivery to the permitting agencies and updating ESTP with the corresponding submittal dates. The Environmental Permitting Unit should be contacted if waivers to advertise are required.

b. Consultant Design

Any units utilizing consultants to design projects shall continue to prepare permit applications for review by Environmental Permitting. OEP and EPC shall develop and post to a dedicated ProjectWise and/or COMPASS folder DOT-specific guidance materials for permit sets based on the most recent regulatory forms. The Environmental Permitting unit will keep the dedicated ProjectWise and/or COMPASS folder up-to-date with exemplary samples of permit applications completed using the latest regulatory forms.

Consultant Designers should not resubmit a revised Permit Plan Set prior to submission of the draft permit application(s) unless otherwise determined necessary at the Preliminary Permit Plan Set meeting.

Draft permit applications prepared by the consultant shall be provided to the Environmental Permitting unit from the lead Engineering unit. Reviews will be completed and submitted back to the lead Engineering unit for revisions, as necessary.

Final permit applications prepared by the Consultant and reviewed by Environmental Permitting will be signed by the Policy & Planning Bureau Chief. All transmittal memos and letters will be provided electronically by the lead Engineering Unit, who will also provide the final permit package to Environmental Permitting Unit. Final permit packages from the consultant shall include a complete digital copy and any hardcopies as specified in the scope of services. Environmental Permitting Unit will electronically submit permit applications to permitting agencies and will update ESTP with the corresponding submittal dates. The Environmental Permitting Unit should be contacted if waivers to advertise are required.

E. Communication of Changes in Design

For the process to be successful all parties must communicate early and often on design, regulation, and environmental resource changes. At each design phase, Engineering (inclusive of Hydraulics & Drainage), OEP and EPC are responsible for identifying project risks to ensure that design decisions are not affecting permit preparation, which in turn could affect project schedule.

In general, the type and number of permits will correspond to the amount of impact the project has on environmental resources. Risks to a project's success begin to materialize as design changes escalate the project impacts, causing additional permits or permits that require more supporting documentation and longer regulatory review.

Conversely, during project design, being cognizant of and minimizing the amount of impacts the project will have on environmental resources and changes in construction methodologies can potentially lead to a permitting path that is less intensive and has shorter processing times. Other considerations that can affect the amount or types of permitting include construction methodologies, location of the work, resources present, durations, and the time of year the work is expected to occur.

To that end, a Threshold Guidance Document has been developed. State and consultant designers may refer to this guidance document to help provide guidance regarding changes made to design or construction methodologies and impacts those changes may have upon the permit needs determined during the early phases of project design.

If there is a design change being considered that could potentially cause a change in the type of permit(s) required for the project, the lead design unit must communicate these considerations to OEP as soon as possible. Consultants' work on permit applications should not resume until a revised permit plan set incorporating the design changes has been reviewed by EPC and OEP Environmental Permitting.

A change in permitting strategy that is necessitated by design modifications and that will involve significant adverse impacts to schedule or budget must be elevated to the respective Division Chief. Project staff shall coordinate the communication to senior management as appropriate, such that the situation can be discussed at the next monthly permit priority meeting (if not sooner).

F. Milestone Submission Reviews

Preliminary Design submission materials shall be forwarded to OEP Environmental Permitting, OEP Environmental Resource Compliance and the Engineering Project Coordination unit for review. Environmental Resource Compliance will provide comments with respect to constructability and erosion & sediment control. To the extent that the Preliminary Design plans include the relevant information, Environmental Permitting will provide a list of permits that can reasonably be expected for the project (preliminary PNDF Part 2).

After Design Approval, OEP Environmental Resource Compliance will continue to review milestone design plan submissions. Environmental Resource Compliance's review will focus on constructability, look to confirm that any design changes do not affect permitting, and verify consistency with the permit plan sets.

G. Construction Stormwater Permits

All permitting associated with the CT DEEP's Construction Stormwater General Permit will remain with the Bureau of Engineering & Construction to complete. This responsibility includes preparation of erosion & sediment control plan sheets and the written Stormwater Pollution Control Plan for each project. The Environmental Resource Compliance and the Engineering Project Coordination units will remain responsible for reviewing plans, assisting as needed to get Department projects through ezFile, registration with DEEP, and completing Qualified Professional Engineering Certification of the Stormwater Pollution Control Plans pursuant to **Online Stormwater Discharge Permit Registration System (ECD-2016-3).**