



Connecticut DOT

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ENGINEERING & CONSTRUCTION-POLICY & PLANNING DIRECTIVE

DocuSigned by:

Scott A. Hill, PE

B2000A77EB96402...

Bureau Chief
Engineering and Construction

DocuSigned by:

Kimberly Lesay

B9526F623D8146B...

Bureau Chief
Policy and Planning

Implementation of CTDEEP Construction Stormwater General Permit

The following Directive outlines the Department's current process implementing CTDEEP's *General Permit for the Discharge of Stormwater & Dewatering Wastewaters from Construction Activities* ("Construction Stormwater Permit" or "General Permit"). As outlined in [ECPPD-2020-1 Project Risk and Permitting](#), all permitting associated with the Construction Stormwater Permit remains with the Bureau of Engineering & Construction to complete.

The purpose of this Directive is to address timing requirements to keep projects on schedule for construction, review the most significant changes in the latest General Permit, and provide up-to-date guidance and clarifications. The previous Stormwater Directive: [Online Stormwater Discharge Permit Registration System \(ECD-2016-3\)](#) is superseded by this document. This Directive summarizes the significant changes that had been made to the Construction Stormwater Permit, most recently re-issued on 12-30-20 and modified on 11-25-22.

APPLICABILITY

The Construction Stormwater Permit provides permit authorization of Department discharges of stormwater during construction activities. The Department is required to complete a General Permit Registration Form and Stormwater Pollution Control Plan (SWPCP) for **projects that have one or more acres of land disturbance**, in total, regardless of phasing (staging) within the project's construction limits. It is also often the last permit application submitted for Department projects as it requires the development of final construction drawings and detailed erosion and sediment control plans to obtain General Permit authorization.

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OVERALL PROCESS

The overall process that should be occurring during design for projects needing a Construction Stormwater Permit is outlined below:

| Process Step | Timing | Resources* |
|--|---|--|
| 1. PNDP | Project Initiation/ Preliminary Design | Permit Need Determination Form |
| 2. Incorporate E&S controls and post-construction Stormwater Best Management Practices into design | 30-90% Design Process | MEP Worksheet MS4 BMP “One-Pagers” CTDEEP Stormwater Quality Manual CTDEEP Erosion & Sedimentation Control Guidelines |
| 3. Develop a Stormwater Pollution Control Plan (SWPCP) | 90% | SWPCP Template |
| 4. Complete Registration Form in ezFile | Prior to Final Design Plan (FDP) | CTDEEP ezFile Stormwater Registration Guidance Roles and Filing Information |
| 5. District Engineer Signature | Prior to Advertising | |

Upon receipt of a **Permit Need Determination Form (PNDP)**, the Office of Environmental Planning (OEP) will screen the project for pertinent information to the General Permit such as the presence Cold Water Fisheries habitat and Impaired Waterbodies. A project’s need for a General Permit authorization will not necessarily be determined at this stage.

During **the design milestone submittals, coordination with the Office of Environmental Compliance’s MS4 staff, OEP and Engineering Project Coordination (EPC) units** will help the Department achieve its requirements to improve stormwater quality. As outlined in **[ED-2019-8 Department of Transportation Separate Storm Sewer System \(DOT MS4\) Procedures](#)**, Designers are expected to evaluate opportunities to incorporate stormwater quality measures in their projects to the maximum extent possible. Such measures include best management practices that increase infiltration and improve stormwater quality. **The MS4 Maximum Extent Practicable (MEP) Worksheet** is a required and related process that will help designers reconcile post-construction stormwater quality requirements with other design constraints. The MEP Worksheet is part of an iterative procedure that reviews and documents the stormwater quality decision-making process at a project’s design milestones.

In addition to the General Permit Registration Form, a Stormwater Pollution Control Plan (SWPCP) is required to register for the Construction Stormwater Permit. To assist in the development of a project-specific SWPCP, a Stormwater Pollution Control Template has been developed. The template provides boiler-plate text (in **Black**), information that must be provided by the designer (in **Red**), and guidance (in **Green**). It is the designer’s responsibility to ensure that the most recent version of the template is being used.

CTDEEP ezFile for Stormwater is the electronic portal system for the submission of the General Permit Registration Forms. It allows General Permit applicants to fill out, edit, review, certify, submit, and track the status of electronic General Permit filings. The document “Guidance for completing the ezFile Stormwater Permit” has been developed to outline the ezFile process, answer frequently-asked questions, avoid common problems and provide a step-

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by-step navigation through the ezFile process.

Department Review and District Engineer Approval. The Department maintains a list of specific staff assigned as reviewers and those that have signatory authority (District Engineers). The specific staff must be added with their appropriate roles in ezFile and notified via email to review all ezFile documents to avoid project delays. The process for reviewing and certifying Construction Stormwater Permit registrations for State and Consultant Designs are outlined in the CTDEEP Stormwater Process Map.

List of review staff and signatories is available in the Roles and Filing Information document available on the OEP website.

General Permit registrations must be filed so that the authorization is in place prior to construction (i.e., before any site disturbance occurs). To avoid delays, final draft of the complete registration package should be loaded into ezFile prior to FDP to ensure there is sufficient time for review and for the District Engineer to electronically sign the final registration. For planning purposes, all projects should assume that a Construction Stormwater Permit registration will not be valid until 60 days after a final, signed General Permit registration is submitted via ezFile and payment has been accepted by CTDEEP.

MODIFICATIONS TO THE CONSTRUCTION STORMWATER PERMIT

When the Stormwater General Permit was re-issued in December 2020 and modified in November 2022, it had two significant changes: 1) the Qualified Professional Engineer and 2) Cold Water Fisheries habitats.

Qualified Professional Engineer (QPE): In addition to the role of the Design Professional, as identified in previous versions of the General Permit as the Professional Engineer responsible for developing a project's SWPCP, the most recent General Permit added the role of the QPE. To expedite the review of registrations and SWPCPs, CTDEEP developed the QPE process to delegate CTDEEP's review to an independent Professional Engineer. The minimum requirements for a QPE are further defined in the General Permit. The QPE is the person who assumes responsibility for compliance with the General Permit and the stormwater design (on behalf of the firm and the Department) and certifies the completed Stormwater General Permit registration.

All Department SWPCPs require the two Professional Engineer signatures discussed above (Design Professional and QPE) to review and certify the registration and SWPCP.

The Department has developed a list, updated regularly by EPC, of QPEs eligible to review Department projects. Consultant firms on the CTDOT Consultant Selection Office's active list of Prequalified Consultants that wish to have a Professional Engineer on the Department's QPE list may forward the person's name, email address, and company's name to DOT-EPC@ct.gov. CTDEEP has reserved the authority to remove an individual from the Department's QPE list if the QPE does not meet the minimum qualifications specified in the General Permit or for unsatisfactory past performance.

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Note: If the project has more than fifteen (15) acres of disturbance, the QPE cannot work for the same firm as the Preparer/Filer.

CTDEEP accepts CTDOT registrations that have been reviewed by a QPE. However, the ezFile system only accepts registrations with QPE reviewers if the registration is entered as a Locally Approvable project. Even though State agency projects are considered Locally Exempt under the SW General Permit's definitions, **CTDOT registrations must be entered into ezFile as Locally Approvable**. CTDEEP is aware of the ezFile limitations and accepts CTDOT registrations as Locally Approvable with the fee of \$625 to allow for the QPE reviewer.

Cold Water Fisheries: The December 2020 re-issuance of the General Permit incorporated Cold Water Fisheries habitat conditions that have been since modified by CTDEEP in November 2022. Generally, the process for addressing Cold Water Fisheries under the Construction Stormwater General Permit starts with identification of a cold water fisheries resource within the project limits during the PNDP process followed by a preliminary consultation with CTDEEP Fisheries. Then, either,

- Design the project in such a way that maintains a 100-foot undisturbed buffer between construction activities and a cold water fisheries habitat (likely unfeasible for bridge projects);

-or-

- Incorporate CTDEEP Fisheries' recommendations into the project. If a project cannot incorporate specific Fisheries recommendations, OEP and EPC can assist with evaluating alternatives that may be acceptable to CTDEEP Fisheries.

If the project is able to obtain an acceptable sign-off from CTDEEP Fisheries, then the project is eligible for authorization under Stormwater General Permit (utilizing ezFile), and the CTDEEP Fisheries correspondence (for example, Fisheries Consultation Form, Interagency coordination/minutes, and/or Fisheries' signoff of the plans, as applicable) is to be appended to the SWPCP.

A project that is unable to meet the Cold Water Fisheries requirements of the Stormwater General Permit must obtain a CTDEEP Individual Wastewater Discharge Permit. An individual wastewater discharge permit is a separate application process that would require coordination with OEP and EPC.

RESOURCES AND REFERENCES*

This Directive refers to several permitting forms, guidance documents, etc., the links to which can be found in "References and Resources for CTDEEP Construction Stormwater General Permit" on the OEP Environmental Resource Coordination unit's webpage in the Construction Stormwater Resources section.