

**MEMORANDUM OF UNDERSTANDING BETWEEN CONNECTICUT DEPARTMENT OF ADMINISTRATIVE SERVICES AND CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION
REGARDING FLOOD MANAGEMENT CERTIFICATION**

FORM SCG-5000

The Commissioner of the Department of Administrative Services ("DAS"), duly authorized under Connecticut General Statutes Section 13b-1, and the Commissioner of the Department of Energy & Environmental Protection ("DEEP"), duly authorized under Connecticut General Statutes Section 22a-6, hereby enter into this Memorandum of Understanding ("MOU") regarding Flood Management Certifications for Municipal Projects.

Pursuant to Connecticut General Statutes Sections 25-68b through 25-68h ("Flood Management Act"), any state agency proposing an activity within or affecting a floodplain must certify that the project meets certain requirements detailed in the Flood Management Act, the purpose of which is to ensure that the necessary development of floodplains in the state proceeds in a judicious manner and that such state activities are at a minimum consistent with the requirements of the National Flood Insurance Program.

As part of maintaining the state's school facilities, the DAS passes to municipalities federal funding or state funding for municipal activities, primarily through the School Construction Grant program, administered through the DAS Office of School Construction Grants and Review ("OSCGR") (hereinafter "Municipal Projects").

It is in the best interests of the State of Connecticut and its municipalities to ensure that activities consistent with the Flood Management Act are certified under section 25-68d of the Connecticut General Statutes in the most expeditious manner possible.

Therefore, this MOU sets forth a streamlined approval process by which Municipal Projects that require a Flood Management Certification pursuant to the Flood Management Act and that meet the requirements detailed below shall be deemed approved under the Flood Management Act. Approval of a specific Municipal Project subject to this MOU include: schools, Board of Education buildings, athletic fieldhouses, athletic facilities and athletic ball-fields; and secondary buildings on municipal school sites including, but not limited to, storage buildings, maintenance facilities, bus garages, toilet facilities provided for Americans with Disabilities Act compliance, concession stands, water filtration buildings, pump houses and well houses, ground-mounted photo-voltaic arrays, and above ground fuel storage projects

Statewide Flood Management Certification for Federally and State Funded Municipal Projects shall be effective upon completion of steps 1 through 4 under Section A of this MOU (hereinafter Steps or Step).

FORM SCG-5000

MEMORANDUM OF UNDERSTANDING BETWEEN CONNECTICUT DEPARTMENT OF ADMINISTRATIVE SERVICES AND CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION REGARDING FLOOD MANAGEMENT CERTIFICATION

A. Certification/Approval Procedure for Municipal Projects

An application for a Flood Management Certification of a Municipal Project approved under this MOU shall be processed in the following manner:

1. The consultant or individual preparing the flood management application on behalf of the municipality shall prepare and sign Attachment A, entitled "Town Engineer/Consultant - Professional Certification." The consultant preparing the design plans and computations shall affix his/her Professional Engineer Connecticut license number and stamp to the form.
2. The Chief Administrative Official of the municipality in which the proposed activity is taking place, and its consultant, shall first certify that the proposed activity has been designed in such a manner to satisfy all of the requirements of section 25-68d (b) of the Connecticut General Statutes and Sections 25-68h-1 through 25-68h-3 of the Regulations of Connecticut State Agencies ("RCSA") and that the application information is complete, truthful and accurate. The municipality shall prepare and sign Attachment B, entitled "Municipal Official Certification" of the "Statewide Flood Management Certification for Federally and State Funded Municipal Projects" form.
3. The municipality shall submit Attachments A & B of this MOU and the background materials supporting the certification including, but not limited to plans, analyses and engineering calculations to DEEP for review.
4. DEEP shall confirm if the application is consistent with this MOU and notify the municipality and DAS in writing. Additional conditions may be placed on the determination based on the project scope and impacts.

B. Eligible Programs/Projects

The following programs, as may be amended, are eligible under this process:

Any school construction projects in the State of Connecticut are eligible that receive an official OSCGR State Project Number, and receive grant funding in any amount, 1) including municipal projects requested through an LEA (Local Education Agency), Technical High school projects requested through OSCGR, through the DAS Division of Construction Services, or through the Technical High School System (CT-THSS); 2) were requested through a RESC (Regional Education Service Center); or 3) were requested through the state OPM (Office of Policy and Management).

FORM SCG-5000

MEMORANDUM OF UNDERSTANDING BETWEEN CONNECTICUT DEPARTMENT OF ADMINISTRATIVE SERVICES AND CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION REGARDING FLOOD MANAGEMENT CERTIFICATION

C. Design Requirements and Standard Practices under this Memorandum of Understanding

District Consultant and/or Engineer through its certification, as delivered to DEEP by DAS, shall assure that the proposed activity complies with the State of Connecticut Flood Management Statutes and Regulations (CGS Sections 25-68b through 25-68h and RCSA Sections 25-68h-1 through 25-68h-3, respectively) and the policies and practices of DEEP including, but not limited to, the following:

1. All culverts and bridges are designed in accordance with methods and procedures defined in the DOT Drainage Manual as revised, DOT 816 as revised and the CT 2004 Stormwater Quality Manual as revised.
2. Culverts and bridges will be designed for flood frequencies and under clearances stipulated in the DOT Drainage Manual, except that on local roads and driveways with low traffic volumes and where alternate routes are available, lower design criteria are acceptable when:
 - Flood discharges may be allowed to cross over roads that are at or close to the floodplain grade.
 - Water surface elevations are not increased by more than one foot, and will not cause damage to upstream properties.
 - Provisions are made to barricade the road when overtopped.
 - The road or driveway is posted as being subject to flooding.
3. The location of new bridges and culverts minimize the relocation of the watercourses.
4. Stormwater management systems shall be designed to incorporate primary treatment measures whenever possible.
5. The finished first floor at ground elevation of any proposed school or school addition shall be elevated one (1) foot above the 500 year or .2 percent floodplain.
6. Dry egress is provided for any new school during the 100- year base flood event. *Dry egress is considered to be at a minimum a dry access pathway that shall lead from the site location to a location outside of the [WATERCOURSE] floodplain to serve as an egress pathway during flood events. The specific design of the pathway shall be at least four (4) feet wide, located on land above the 100 year base flood and be constructed of materials designed to support use of a wheelchair for its entire length.*

FORM SCG-5000

MEMORANDUM OF UNDERSTANDING BETWEEN CONNECTICUT DEPARTMENT OF ADMINISTRATIVE SERVICES AND CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION REGARDING FLOOD MANAGEMENT CERTIFICATION

7. There is no increase in peak storm water runoff from pre to post conditions during the 2, 10, 25, 50 & 100-year storm events.
8. There are no increases in water surface elevations from pre to post conditions during the 10 & 100-year base flood events.

D. Conditions

DAS shall require, as a condition of passing federal or state funding to municipalities for Municipal Projects, that the municipality is required to construct and maintain the Municipal Project in accordance with the following conditions. However, should a Statewide Flood Management Certification for Federally and State Funded Municipal Projects municipality be found by DEEP to be out of compliance, the municipality, not DAS, shall be held accountable for any act or omission of the District Consultant and/or Engineer resulting in non-compliance.

1. Time of Year Restriction on In-water Construction
 - (A) Between September 30th and May 31st, the municipality shall not place fill, excavate material, or conduct any other construction activity in any watercourse unless such activity is confined by a cofferdam or other device which isolates such activity from the watercourse, unless the DEEP Inland Fisheries Division has given written authorization otherwise.
 - (B) The municipality shall not place fill, excavate material, or conduct any other activity in any watercourse stocked with fish by the commissioner or any other person, or in any tributary to such watercourse, from 12:01 a.m. on the Monday preceding the third Saturday in April through 12:01 a.m. on the Sunday preceding the fourth Saturday in April.
 - (C) The municipality shall not place fill, excavate material or conduct any other construction activity in or adjacent to any watercourse, which activity may adversely affect anadromous fish, during the time period when anadromous fish are known or reasonably believed to be migrating in the watercourse.

2. Pollution Prevention/Best Management Practices

The municipality shall not cause or allow the authorized activity, including any construction associated therewith, to result in pollution or other environmental damage and shall employ best management practices to prevent such damage. The municipality shall, in addition to employing any other best management practices necessary to prevent such damage, do the following:

FORM SCG-5000

MEMORANDUM OF UNDERSTANDING BETWEEN CONNECTICUT DEPARTMENT OF ADMINISTRATIVE SERVICES AND CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION REGARDING FLOOD MANAGEMENT CERTIFICATION

- (A) Controlling Erosion. The municipality shall install and maintain in optimal condition erosion and sedimentation controls to prevent erosion and discharge of material into any waters of the state, including wetlands, as a result of the authorized activity or any construction associated therewith. Such controls shall be installed and maintained in conformity with the Connecticut Guidelines for Soil Erosion and Sediment Control, as revised, published by the Connecticut Council on Soil and Water Conservation pursuant to Section 22a-328 of the General Statutes.
 - (B) Proper Disposal of Material. All material and solid waste generated during any construction associated with such activity shall be disposed of in accordance with applicable federal, state and local law.
3. Storage of equipment and material within the floodplain should be avoided but if absolutely necessary the municipality will require the contractor to remove equipment and materials from the 100 year floodplain during periods when flood warnings have been issued or are anticipated by a responsible federal, state or local agency. It shall be the contractor's responsibility to be knowledgeable of such warnings when flooding is anticipated.
 4. Work shall not be conducted in or adjacent to watercourses and reservoirs used as public drinking water supply sources without coordination with the water supply utility and Department of Public Health.
 5. All temporary structures, cofferdams, and fill shall not impede the movement of flood flows and shall be removed at the completion of their use. The design of such temporary structures, cofferdams and fill shall be based on Chapter 18 of the DOT Drainage Manual, where applicable. Sheet piling that is cut one (1) foot below existing grade shall be considered removed.
 6. All fill shall be clean material, free of stumps, rubbish, hazardous, and toxic material.
 7. Once work is initiated, it shall proceed rapidly and steadily until completed and stabilized in order to minimize use of temporary structures and to minimize soil erosion.

E. Other Requirements

1. DAS shall make all records pertaining to certifications by District Consultants and/or Engineers covered by this MOU available to DEEP for review upon request, provided DEEP shall reimburse DAS for the cost of making any requested copies.

FORM SCG-5000

MEMORANDUM OF UNDERSTANDING BETWEEN CONNECTICUT DEPARTMENT OF ADMINISTRATIVE SERVICES AND CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION REGARDING FLOOD MANAGEMENT CERTIFICATION

2. Either the DEEP or DAS may terminate this Memorandum of Understanding. The Commissioner of the terminating party must provide notice of termination to the Commissioner of the other party in writing at least 30 days prior to the effective date of the termination.

IT IS MUTUALLY AGREED:

Signed By

Noel Petra, Deputy Commissioner

Connecticut Department of Administrative Services

DATE

Signed By

Betsy Wingfield
Betsy Wingfield, Deputy Commissioner

Connecticut Department of Energy & Environmental Protection

August 10, 2020

DATE

FORM SCG-5000

MEMORANDUM OF UNDERSTANDING BETWEEN CONNECTICUT DEPARTMENT OF ADMINISTRATIVE SERVICES AND CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION REGARDING FLOOD MANAGEMENT CERTIFICATION

Attachment A: Town Engineer/ Consultant - Professional Certification

Description of Proposed Project:

OSGR Project Number:

Plan Dated and Revised Through:

Hydrologic & Hydraulic Study Dated:

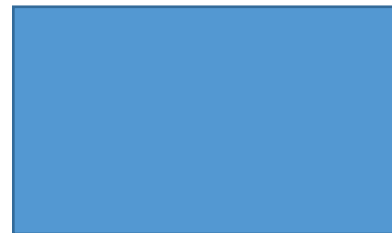
I hereby certify that the prepared information and the proposed activity described in this application is consistent with all applicable standards and criteria established in Section 25-68d(b) of the General Statutes and Sections 25-68h-1 through 25-68h-3, inclusive, of the Regulations of Connecticut State Agencies.

I understand that a false statement made in the submitted information may, pursuant to Section 22a-6 of the General Statutes, be punishable as a criminal offense under Section 53a-157b of the General Statutes, and may also be punishable under Section 22a-438 of the General Statutes.

Signature of Professional Engineer

P.E. Number

Affix PE STAMP HERE



Name of Professional Engineer (Print or Type)

DATE

FORM SCG-5000

MEMORANDUM OF UNDERSTANDING BETWEEN CONNECTICUT DEPARTMENT OF ADMINISTRATIVE SERVICES AND CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION REGARDING FLOOD MANAGEMENT CERTIFICATION

Attachment B: Municipal Official Certification

Name of Applicant / Municipality:

OSGR Project Number:

Description of Proposed Project:

The recipient of federal and/or state funding will be: Name:

Mailing Address:

City/Town: State:

Phone: ext.

Email Address:

Zip Code:

Fax:

Based on my review and reasonable investigation, including my inquiry of those individuals responsible for preparing the information, the proposed activity described in this application is consistent with all applicable standards and criteria established in Section 25-68d(b) of the General Statutes and Sections 25-68h-1 through 25-68h-3, inclusive, of the Regulations of Connecticut State Agencies.

I understand that a false statement made in the submitted information may, pursuant to Section 22a-6 of the General Statutes, be punishable as a criminal offense under Section 53a-157b of the General Statutes, and may also be punishable under Section 22a-438 of the General Statutes.

Chief Elected Official First Selectman (Signed)

DATE

Chief Elected Official First Selectman (Print)