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## **SOIL & MATERIALS MANAGEMENT PLAN TOBACCO VALLEY SOLAR SIMSBURY, CONNECTICUT**

January 2019

File No. 05.0045765.01



### **PREPARED FOR:**

DWW Solar II, LLC  
1166 Avenue of the Americas, 9th Fl.  
New York, NY 10036

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January 18, 2019  
File No. 05.0045765.01

DWW Solar II, LLC  
1166 Avenue of the Americas, 9th Fl.  
New York, NY 10036

Attn: Andrew Svedlow and Chris Thuman

Re: Soil & Materials Management Plan  
Tobacco Valley Solar  
Simsbury, Connecticut

Dear Messrs. Svedlow and Thuman:

GZA GeoEnvironmental, Inc. (GZA) is pleased to provide the attached Soil & Materials Management Plan for the proposed Tobacco Valley Solar project in Simsbury, Connecticut (the Site). This plan provides guidance on managing soil that may be encountered during the construction activities. This plan is subject to the limitations included in Appendix A.

We trust this plan satisfies your present requirements; should you require additional information, please contact the undersigned.

Very truly yours,

GZA GEOENVIRONMENTAL, INC.

Adam T. Henry, LEP  
Associate Principal

Gordon T. Brookman, LEP  
Consultant / Reviewer



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## **1.00 SOIL AND MATERIALS MANAGEMENT PLAN OUTLINE**

### **1.10 PURPOSE, BACKGROUND AND SCOPE**

The purpose of this Soil and Materials Management Plan (SMMP) is to define the program for handling, segregating, stockpiling, sampling and reusing or disposing of soil/material encountered during upcoming regrading and construction activities at the proposed Tobacco Valley Solar project in Simsbury, Connecticut (the Site). The location of the Site is shown on Figure 1.

The Site consists of five (5) adjacent parcels (totaling approximately 289 acres) located on County Road, Hopmeadow Street and Hoskins Road in a residential and agricultural section of Simsbury, Connecticut, plus a smaller leased portion of a 6<sup>th</sup> parcel. The Site layout is shown on Figure 2. According to GZA's 2019 Phase I Environmental Site Assessment report, the Site appears to have consisted of undeveloped wooded land and agricultural fields since at least 1934. Three of the parcels (Parcels 1, 3 and 5) and the leased portion have historically been used for tobacco farming while two of the parcels (Parcels 2 and 4) have historically consisted of undeveloped wooded land. Five barns (unused or used for miscellaneous storage) were present on Parcels 1 and 5 at the time of GZA's 2019 Phase I report, and small unnamed ponds are located on Parcels 1, 3 and 5. Agricultural fields at the Site appear to have been most recently used to grow vegetables (squash, pumpkins, and tomatoes) and tobacco.

Properties adjoining the Site consist of residential dwellings or apartments, vacant residential land and vacant commercial land.

DWW Solar II, LLC has proposed to construct a 26.4-megawatt solar photovoltaic electric generating facility on the Site. Based on plans, dated June 2017 and designed by VHB, GZA understands the project consists of the installation of ground-mounted solar panels, equipment pads, and underground utilities. Other improvements will include access roads covered with crushed stone and fences. Some of these improvements will require penetrations to the subsurface.

The information presented in this Plan provides procedures/requirements for materials management during the project construction based on the current understanding of the Site and project parameters. The specific details and logistics for implementation of the SMMP shall be the responsibility of the Contractor. The Contractor, with the support of GZA, will be responsible for the proper management and reuse/disposal of excavated material in accordance with applicable laws.

The scope of the SMMP relates to the handling and management of at-grade and below-grade soils, water, and other materials. This Plan is not intended to be used for guidance relating to demolition, handling, removal, management, and disposal of buildings or other above-grade structures or materials (including foundation elements). This Plan is subject to the limitations in Appendix A.



## 1.20 PROJECT REPRESENTATIVES

Owner:	DWW Solar II, LLC c/o Deepwater Wind 56 Exchange Terrace, Suite 300 Providence, RI 02903 Attention: Aileen Kenney
Civil Engineer:	Vanasse Hangen Brustlin, Inc 100 Great Meadow Road, Suite 200 Wethersfield, CT 06109 Tel: (860) 807-4300 Attention: Paul Vitaliano
Owner's Representative:	TBD
Environmental Consultant:	GZA GeoEnvironmental, Inc. 655 Winding Brook Drive, Suite 402 Glastonbury, CT 06033 Tel: (860) 858-3166 Attention: Adam Henry
Site Contractor:	TBD

## 1.30 RESPONSIBILITIES

Soils and other materials may be encountered during regrading associated with the planned Site development. Based on the anticipated shallow depths of excavations (generally less than 4 feet below ground surface (fbgs) but up to 10 fbgs in limited locations), and the depth to groundwater (> 40 fbgs) reported by previous investigators, dewatering is not considered to be a potential issue during this project. However, if shallow groundwater is encountered, it should be managed as described in Section 5.0.

The following is a description of certain key tasks relating to the soils and material management.

### A. The Contractor(s) shall be responsible for:

1. All aspects of implementing the SMMP including all costs associated with excavation, management, segregation, stockpiling and onsite reuse of soil, and if necessary, testing, transportation, and offsite disposal of soil.
2. Compliance with the conditions of the CTDEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. A copy of the General Permit is provided in Appendix B. We note that based on the size of the proposed site disturbance area (>5 acres), registration under the permit will be required. A Stormwater Pollution Control Plan (SWPCP) has been developed by VHB and the Contractor must adhere to the SWPCP and follow the Connecticut Guidelines for Soil Erosion and Sediment Control and the Connecticut Stormwater Quality Manual.



3. Compliance with other CTDEEP General Permits, if applicable and when necessary, including the CTDEEP General Permit for Contaminated Soil and/or Sediment Management and the CTDEEP General Permit for Discharge of Groundwater Remediation Wastewater. Copies of these General Permits are provided in Appendix B.
4. Determining the project schedule, construction sequencing, and other operational parameters of the project and communicating such information to the project team.
5. Overseeing all earth-related construction work for the project including installation and maintenance of soil erosion and sediment controls in accordance with the Erosion and Sediment Control Plan as prepared by the Civil Engineer. A copy of the Erosion and Sediment Control Plan is provided in Appendix C.
6. Establishing on-Site material stockpiling location(s) in accordance with the Erosion and Sediment Control Plan and soil staging and transfer general permit, if required.
7. Compliance with the necessary environmental and non-environmental permits, approvals, authorizations, Site health and safety plan (HASp) and all other applicable state, and federal health and safety standards for the performance of the construction work.
8. Providing all labor, materials, equipment, and other services required for handling, segregating, and stockpiling of materials encountered during construction.
9. If necessary, documentation and waste shipping paperwork; identification of and obtaining approval from appropriate off-Site disposal facility for disposal/recycling of impacted soils; and loading, transport, and disposal of impacted soils (with support from GZA). The Owner must approve all Contractor proposed disposal and or recycling facilities prior to off-site shipment of soils or other materials.
10. Protecting the health of workers, other on-Site personnel, the general public and minimizing impacts to the environment.

B. GZA will be responsible for the following:

1. Coordinating with the Contractor to facilitate proper segregation of materials as requested.
2. Reviewing Contractor's documents related to compliance with applicable environmental permits, approvals, and authorizations.

## **2.00 EXECUTION**

### **2.10 REGULATORY COMPLIANCE**

The Contractor shall conduct all work in accordance with all applicable regulations that may apply to the project, including but not limited to:



- Applicable CTDEEP General Permits; and
- All other applicable regulations pertaining to environmental impact assessment, air pollution control, safe drinking water, water pollution control, solid and hazardous waste management, and toxic substances control.

## 2.20 PLANNED EXCAVATION ACTIVITIES

The Site work associated with this project will require earthwork activities, including but not limited to the following:

- Installation of erosion and sedimentation controls;
- Excavation and stockpiling of certain soils;
- Alterations of surficial coverings including grading and tree removal;
- Installation of utilities; and
- Site grading and drainage.

The sequence of these activities will be in accordance with project phasing plans developed by the Civil Engineer.

Estimated quantities of soils requiring stockpiling during earthwork activities are currently unknown. The Contractor shall review associated bid documents and specifications to make its own determination on the quantities of material for excavation and stockpiling. Quantities of material may be more or less than the quantities referenced in this document and final quantity estimates are the responsibility of the Contractor. GZA notes that no analytical data is available for Site soils; however, material potentially requiring special management (such as a farm dump or buried debris) may be encountered during the excavations. The Contractor shall be responsible for testing soil that is sent off-site for disposal/reuse. If suspect materials are encountered during excavation activities, the Contractor will immediately notify GZA and the Owner.

Soil and erosion control requirements for soils must comply with the CTDEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. Based on the size of the proposed site disturbance area (>5 acres), registration under the permit will be required and a SWPCP has been developed by VHB and will be implemented for the project. The Contractor must adhere to the SWPCP and follow the Connecticut Guidelines for Soil Erosion and Sediment Control and the Connecticut Stormwater Quality Manual.

## 2.30 EXCAVATION ENVIRONMENTAL CONTROLS

### 2.30.1 Dust Control

The Contractor shall employ dust control measures necessary to minimize the creation of airborne fugitive dust from soils during performance of this work. Such measures shall include the containment of soils through implementation of soil transfer and stockpile best management practices and other suitable methods (i.e., wetting and covering stockpile/trucks) to limit dust, as necessary. Certain contaminants if present in Site soils at high concentrations could present a particulate inhalation hazard when contaminated soil becomes airborne with dust if site conditions are dry. An aggressive approach towards dust suppression shall be employed. Work areas shall be wetted with a water mist to control dust generation resulting from vehicle and personnel traffic and from soil handling activities. Should visible dust be generated from site operation, additional wetting shall be implemented.



### 2.30.2 Vapor and Odor Control

Contractor shall monitor the work area in accordance with the requirements of the Site HASP as prepared in accordance with Section 6.2 of this SMMP. Contaminant vapors at significant concentrations that might require respiratory protection for Site workers are not anticipated during the project. However, in the event, that excavation or other Site activities encounter unanticipated contaminants, vapors or odors, as determined through air monitoring and/or direct observations, GZA should be notified and the Contractor shall be prepared to employ control measures necessary to minimize the generation of such contaminant vapors and odors. Such measures shall include: restricting work in a particular area, use of temporary mats or coverings, use of odor-suppressant foam, containment of a particular work area, and other feasible means of controlling contaminants, vapors and odors, as necessary, including remediation.

### 2.40 SOIL STOCKPILING

At least one business day prior to the commencement of excavation activities, the stockpile area shall be prepared to receive the materials. The location(s) of the stockpiles shall be in accordance with the Erosion and Sediment Control Plan as prepared by the Civil Engineer and General Permits, if applicable. The stockpile areas shall be cleared and then fenced off, if Site access is not already restricted. The following minimum stockpile criteria shall apply to stockpiles.

Stockpile areas shall be graded such that stormwater run-on and runoff is diverted around the stockpiled materials. At a minimum, a snow-fence and haybales with silt fence shall be placed continuously around the perimeter of each stockpile area. The stockpile area shall be underlain with a minimum ten (10)-mil-thick black polyethylene sheeting. In the event excavated materials are excessively wet (saturated), earth berms shall be placed around the perimeter of the stockpile area, if necessary, to contain drainage from the stockpiles. Stockpile side slopes shall be no steeper than 3 horizontal (H) to 1 vertical (V).

Drainage effluent from the stockpiles shall be contained within perimeter berms and infiltrated.

Stockpiled materials shall be placed within the designated stockpile areas, graded to shed water, and covered prior to inclement weather and at the end of each work day with a minimum ten (10)-mil-thick black polyethylene cover overlapped and weighted to form a continuous waterproof barrier over the material. The cover shall be maintained throughout the stockpile period to prevent water from entering the stockpiled materials and to prevent blowing dust. Stockpile locations shall be placed as approved by the Owner, Engineer, or GZA in advance of construction.

The transfer of materials from the excavation to the stockpile area shall be conducted in such a manner as to prevent loss of or spread of materials or dust across the Site.

If suspect contaminated materials are encountered by the Contractor (such as a farm dump or buried debris, stained, unnaturally colored or odorous soil), those materials shall be stockpiled separately.

The Contractor is responsible for all construction, protection, movement, and maintenance of stockpiles for the duration of the project work or until directed otherwise by the Owner or the GZA.



The clearing and preparing of stockpile areas and the grading, polyethylene barriers, berms, and all other materials, equipment, and labor required for protection of the excavated material will be considered part of the work.

### **3.00 SAMPLING AND DECONTAMINATION PROCEDURES**

Sampling of soil stockpiled during earthwork activity that is intended for onsite reuse is not required. If off-site disposal is planned for some or all of this stockpiled material, representative soil samples will be collected from the stockpiled material by GZA. Because previous environmental reports have indicated that the Site is not in a CTDEEP remediation program, post-excavation sampling of the underlying residual material is not planned. If suspect contaminated materials (such as those associated with a farm dump or buried debris) are encountered, they will be stockpiled separately and sampled for purposes of off-site disposal/reuse and/or prior to on-Site reuse, and post-excavation sampling may be conducted as necessary after consultation with GZA and the Owner.

For stockpiled material that is planned for off-site disposal, including suspected contaminated material as described in Section 2.40, representative soil samples will be collected for characterization purposes by GZA (with assistance from the Contractor) at a frequency of one sample per 500 cy of soil stockpiled. Each stockpile characterization sample will consist of a composite made of a minimum of five discrete grab samples collected at various depths and locations within the stockpile. The sampling and decontamination procedures are further detailed below.

#### **3.10 SOIL SAMPLING PROCEDURES**

Proper soil sampling technique requires, on the part of the field representatives, understanding of the objective of the sampling program and adhering to the following guidelines.

The following equipment will be required:

- Photo-ionization detector (PID)
- Stainless steel auger(s), trowel(s), and/or shovel(s)
- Stainless steel bowl(s) and spoon(s)
- Reagent grade methanol and wash bottle
- Sample containers of appropriate size and preservative (if required) for each constituent to be analyzed according to EPA protocols
- Buckets, water, Alconox or equivalent
- Paper towels and garbage bags
- Coolers and ice packs
- Sample labels and waterproof markers
- Chain of custody forms and custody seals

The samples will be collected using an auger, trowel or shovel, field screened using the PID, placed in the appropriate container, and labeled according to the procedures outlined below. The soil sampling equipment will be decontaminated between each sample location.

For stockpile sampling, a minimum of one composite soil sample will be collected for every 500 cy of soil stockpiled for offsite disposal. The soil samples will be obtained in the following manner:



- Samples for volatile organic compounds (VOCs) will be discrete grab samples (one per 500-cubic yards). The grab sample chosen for analysis will be the sample with the highest PID field screening results.
- For other constituents, composite samples will be prepared by combining equivalent volumes of soil from individual grab samples. Between 5 and 10 grab samples will be retrieved from each 500-cy stockpile and used to make a composite sample.
- Grab samples will be collected at different depths and locations in the stockpile utilizing a stainless-steel hand auger or stainless-steel trowel to ensure variations in the soil types are proportionally represented in the composite. Successive grab samples will be placed in the same stainless-steel bowl after field screening and subsampling (as appropriate) for VOCs.
- After the 5-10 grab samples have been placed into the bowl, the contents of the bowl will be fully mixed with a decontaminated spoon and a representative sample of the contents will be transferred into the appropriate sample containers.
- Samples will be labeled according to the procedures outlined below.

Spoils derived from the stockpile sampling program will be placed back into the stockpile.

### 3.20 SAMPLING EQUIPMENT DECONTAMINATION

Decontamination of soil sampling equipment is the responsibility of the field personnel. Decontamination of the sampling equipment will be performed as follows:

1. Scrub the surface of the sampling equipment with a brush that is consistently submerged in a bucket containing Alconox mixed with tap water.
2. Rinse the scrubbed sampling equipment with tap water contained in adjacent bucket.
3. Rinse the sampling equipment with methanol over a third bucket to capture the methanol.
4. Rinse again with distilled water over a collection bucket.
5. Contain all decontamination liquids for management in a drum or similar container located at the stockpile area.
6. Prevent the cleaned sampling equipment from coming into contact with any potentially contaminated media prior to use for sampling.

### 3.30 SAMPLE STORAGE

Proper storage following sample collection is important in maintaining sample quality. Soil samples will be placed promptly into a chilled/iced cooler and maintained at approximately 4 degrees Celsius (C) until delivery to the laboratory.



The sample collector will transport the samples directly to the laboratory at the end of the sampling day or will arrange to have the laboratory courier pick up the samples within 24 hours.

### 3.40 DOCUMENTATION OF FIELD WORK

#### 3.40.1 Field Log Book/Sampling Log

Complete and thorough logging of field work is essential to a timely and accurate completion of the project. Field personnel are responsible for recording actions and times of major events and of sampling in a field log book and/or field sampling log. Also, sample identification (numbers and descriptions) of field samples will be accounted for on the field sampling log. For each sampling event, the field book and/or field sampling log will contain the following:

- GZA field person's name(s), GZA equipment used, weather, date, time, and location at start of day.
- Descriptions and sketches of the sample/stockpile location, stockpile dimensions/estimated volume, origins of materials that comprise the stockpile.
- Descriptions of the number of grab samples retrieved from stockpile, locations/depths of these grab samples, observed soil types, conditions (staining, odors, fill, debris, etc.) and PID readings at each grab sample location, and identification of the grab sample location selected for the discrete VOC sample.
- Other comments would include: Description of any unusual conditions; Record of Health and Safety monitoring - time, equipment, and results; Record of site accidents or incidents; Record of any visitors; Causes and duration of any delays; and any other data that may be construed as relevant information at a later date.

#### 3.40.2 Chain-of-Custody Forms

GZA will be responsible for filling out chain-of-custody forms when samples are collected. The chain-of-custody form is a document that tracks the samples collected from the field to the laboratory and indicates the custodian of the samples at any time and also which laboratory analyses are to be performed on which samples. Each sample will be clearly labeled and listed on the chain-of-custody. The chain of custody will be filled out as samples are collected and will accompany the samples to the laboratory. The sampler will be the first custodian of the samples and will sign the chain-of-custody when he/she relinquishes custody of the samples to another individual or to the laboratory which will also sign and date the document.

### 3.50 LABORATORY ANALYSIS

Stockpile samples will be analyzed by a CT-certified laboratory for extractable total petroleum hydrocarbons (ETPH), VOCs, semi-VOCs, total and leachable RCRA 8 metals, copper, nickel, zinc, polychlorinated biphenyls (PCBs), herbicides, pesticides, and any other analytical parameter that may be required by the designated offsite disposal/reuse facility.

Laboratory turnaround will typically be on a 5-day basis, adjustable to the schedule of construction.





### 3.60 QUALITY ASSURANCE/QUALITY CONTROL PROGRAM

The following sections provide descriptions of the QA/QC program which will be followed during the sampling and analysis. This program will be followed to generate analytical data of known and defensible quality.

Functioning of the sample collection and analysis process is facilitated by communication between the field sampler and the laboratory and clear identification of the tasks and responsibilities of each. Adherence to the protocol presented herein will minimize problems in maintaining data quality and integrity.

Field representatives will conduct the following activities prior to initiating the collection of samples:

1. Select the analytical tests to be performed and schedule the analyses with the laboratory.
2. Determine the type, size, and quantity of sample containers required, the amount of required preservative, and the maximum field holding times for each sample.
3. Determine the equipment required for sampling, and make sure that it is available.
4. Obtain sample containers, preservatives, and trip blanks (if necessary) from the laboratory.
5. Obtain chain-of-custody forms, sampling log, shipping forms, and sealing tapes.
6. Determine that all sampling equipment and accessories have been decontaminated as described in Section 3.20.

## **4.00 STOCKPILED MATERIAL CLASSIFICATION, HANDLING, AND DISPOSAL**

The results of the stockpile sampling (Section 3.00) will be provided to the Contractor to evaluate potential off-site disposal/reuse options and/or potential on-Site reuse. The Contractor will coordinate with GZA to complete any additional required waste characterization, identify appropriate off-Site disposal facilities for impacted soils, and arrange for loading, transport, and disposal of impacted soils. Owner will sign all transportation and disposal documents (Material Shipping Records [MSRs] or Bills of Lading [BOLs]) as the Generator. Contractor shall provide copies of soil disposal weight tickets, manifests or Bills of Lading, and disposal facility acceptance letters to the Owner.

## **5.00 MANAGEMENT OF GROUNDWATER**

### 5.10 DESCRIPTION

No dewatering is planned. If the Contractor encounters surface water or groundwater which must be dewatered for construction, the Contractor shall properly contain groundwater discharge and manage all dewatering in accordance with State and federal regulations. Dewatering activities must comply with the CTDEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, which applies to all discharges of stormwater and dewatering wastewater from construction activities which result in the disturbance of *one or more* total acres of land area on a site regardless of project phasing. Note that registration is required under this



general permit for projects disturbing greater than 5 acres of land (such as the Site). A SWPCP for the project has been developed by VHB. The Contractor shall follow the SWPCP and adhere to the Connecticut Guidelines for Soil Erosion and Sediment Control, the Connecticut Stormwater Quality Manual, and soil and erosion control land use regulations. The Contractor shall comply with the requirements of other General Permits as applicable.

Water quality testing shall be conducted by GZA prior to the discharge of any wastewater generated by dewatering activities. If the results of water quality testing indicate that the wastewater is not suitable for discharge to the ground, it shall be containerized and removed for off-site disposal.

#### 5.20 SUBMITTALS

The Contractor shall consult with GZA prior to the start of any dewatering activities and shall provide GZA with an appropriate Dewatering Plan at least 5 business days prior to the start of dewatering activities. Contractor shall not start dewatering activities without prior authorization from GZA. The Dewatering Plan shall indicate the purpose, location, and estimated duration of the proposed dewatering activities. In addition, the Dewatering Plan shall include the Contractor's proposed dewatering methodology. If necessary, permit registrations and/or approvals shall be completed, and water quality testing shall be conducted by GZA prior to the discharge of any water generated by dewatering activities.

#### 5.30 RESPONSIBILITY OF THE CONTRACTOR

Minimum precautions noted in this Section shall in no way relieve the Contractor of his responsibility for implementing stricter health and safety precautions as warranted by the Work.

The Contractor shall be responsible for adhering to permits, regulations, specifications, and recognized standard practices related to both contaminated and uncontaminated soil and groundwater/stormwater handling during excavation and dewatering for construction.

The Contractor shall be responsible to remove and transmit groundwater and stormwater under an approved Dewatering Plan. Contractor shall complete dewatering activities in accordance with all applicable State and federal regulations and permits.

The Contractor shall make reasonable effort to minimize the volumes of groundwater dewatered from the excavation.

### **6.00 DECONTAMINATION OF EQUIPMENT AND HEALTH AND SAFETY**

#### 6.10 DECONTAMINATION OF EQUIPMENT

In the event that contaminated soil or groundwater is encountered at the Site, the Contractor is responsible to clean all tools and equipment before they are taken from the Site. Contractor's tools and equipment which are to be taken from the Site shall be decontaminated on-Site. This shall include all tools, heavy machinery and excavating and hauling equipment used during excavation, stockpiling and any re-handling of impacted soil or groundwater.



## 6.20 HEALTH AND SAFETY

The Contractor and any subcontractors performing work within the contract limits shall have a Site specific written HASP developed by a qualified person designated by the Contractor. The Contractor shall establish protocols and provide procedures to protect worker's health and safety as it relates to the proposed construction activities when performed in the presence of contaminated materials or otherwise environmentally sensitive conditions. The HASP shall be developed and implemented to addresses the relative risk of exposure to documented hazards present within the contract limits. The HASP shall establish health and safety protocols which address the relative risk of exposure to regulated substances in accordance with 29 CFR 1910.120 and 29 CFR 1926.65. Such protocols shall only address those concerns directly related to Site conditions.

The Contractor shall utilize available information and existing records and data pertaining to chemical and physical hazards associated with any of the regulated substances to develop the HASP. Further information can be made available to the Contractor upon request.

The requirements set forth herein pertain to the provision of workers' health and safety as it relates to proposed project activities when performed in the presence of hazardous or regulated materials or otherwise environmentally sensitive conditions. The provision of worker health and safety protocols which address potential and/or actual risk of exposure to Site specific hazards posed to Contractor employees is solely the responsibility of the Contractor.

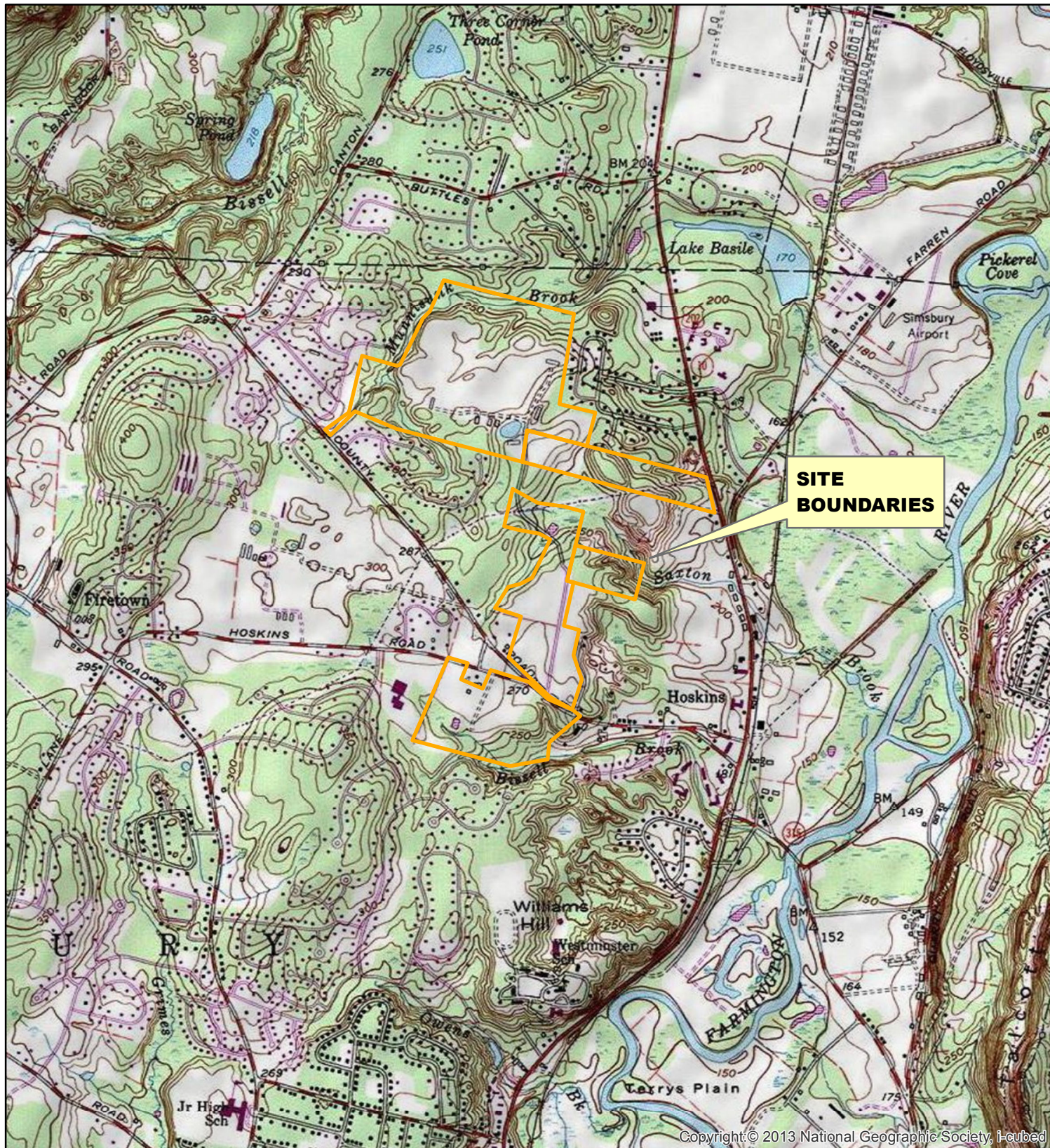




## FIGURES



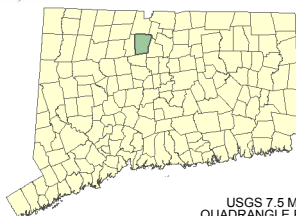




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USGS 7.5 MINUTE  
QUADRANGLE BASE MAP  
TARRIFFVILLE, CONNECTICUT  
1997

## SITE LOCUS

COUNTY ROAD, HOPMEADOW STREET AND HOSKINS ROAD  
SIMSBURY, CONNECTICUT

Source: TOPO! maps are USGS topographic maps, Copyright © 2011 National Geographic Society, i-cubed and are provided by arcgisonline.com.

PROJ MGR: REK

REVIEWED BY: ATH

PROJECT NO. 05.0045765.04

DESIGNED BY: REK

DRAWN BY: MJS

DATE: 12-27-18

THIS MAP HAS BEEN COMPILED FROM OTHER MAPS AND/OR SOURCES OF INFORMATION.  
THIS MAP SHOULD NOT BE CONSTRUED AS A PROPERTY SURVEY, NOR USED FOR CONSTRUCTION PURPOSES.

0 1,000 2,000 4,000 6,000 8,000

Scale in Feet



FIGURE

1



©2016 - GZA GeoEnvironmental, Inc. GZA-U:\45-500-45,999\45765-h65 Deepwater Wind\45765-00.ctb\CAD\Figures\F2 SITE L.O.dwg [2] March 14, 2016 - 2:35pm max.stubel



LEGEND

- SITE BOUNDARY
- BARN STRUCTURE
- PARCEL NUMBER
- MONITORING WELL

NOTES:

- 1. THE BASE MAP IS A BING MAPS AERIAL PHOTO AND THE SCALE IS APPROXIMATE. ALL SITE FEATURE LOCATIONS ARE APPROXIMATE.

NO.	ISSUE/DESCRIPTION	BY	DATE
UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.			
COUNTY ROAD, HOPMEADOW STREET AND HOSKINS ROAD SIMSBURY, CONNECTICUT			
SITE LAYOUT			
PREPARED BY: GZA GeoEnvironmental, Inc. Engineers and Scientists www.gza.com		PREPARED FOR: DWW SOLAR II, LLC	
PROJ MGR: ATH	REVIEWED BY: REK	CHECKED BY: ATH	FIGURE 2 SHEET NO.
DESIGNED BY: REK	DRAWN BY: MJS	SCALE: 1"=800'	
DATE: 12-27-18	PROJECT NO. 05.0045765.04	REVISION NO.	





## **APPENDIX A LIMITATIONS**





## USE OF REPORT

1. GZA GeoEnvironmental, Inc. (GZA) prepared this report on behalf of, and for the exclusive use of our Client for the stated purpose(s) and location(s) identified in the Proposal for Services and/or Report. Use of this report, in whole or in part, at other locations, or for other purposes, may lead to inappropriate conclusions; and we do not accept any responsibility for the consequences of such use(s). Further, reliance by any party not expressly identified in the agreement, for any use, without our prior written permission, shall be at that party's sole risk, and without any liability to GZA.

## STANDARD OF CARE

2. GZA's findings and conclusions are based on the work conducted as part of the Scope of Services set forth in the Proposal for Services and/or Report and reflect our professional judgment. These findings and conclusions must be considered not as scientific or engineering certainties, but rather as our professional opinions concerning the limited data gathered during the course of our work. Conditions other than described in this report may be found at the subject location(s).
3. GZA's services were performed using the degree of skill and care ordinarily exercised by qualified professionals performing the same type of services, at the same time, under similar conditions, at the same or a similar property. No warranty, expressed or implied, is made. Specifically, GZA does not and cannot represent that the Site contains no hazardous material, oil, or other latent condition beyond that observed by GZA during its study. Additionally, GZA makes no warranty that any response action or recommended action will achieve all of its objectives or that the findings of this study will be upheld by a local, state or federal agency.
4. In conducting our work, GZA relied upon certain information made available by public agencies, Client and/or others. GZA did not attempt to independently verify the accuracy or completeness of that information. Inconsistencies in this information which we have noted, if any, are discussed in the Report.

## SUBSURFACE CONDITIONS

5. The generalized soil profile(s) provided in our Report are based on widely-spaced subsurface explorations and are intended only to convey trends in subsurface conditions. The boundaries between strata are approximate and idealized, and were based on our assessment of subsurface conditions. The composition of strata, and the transitions between strata, may be more variable and more complex than indicated. For more specific information on soil conditions at a specific location refer to the exploration logs. The nature and extent of variations between these explorations may not become evident until further exploration or construction. If variations or other latent conditions then become evident, it will be necessary to reevaluate the conclusions and recommendations of this report.
6. Water level readings have been made, as described in this Report, in and monitoring wells at the specified times and under the stated conditions. These data have been reviewed and interpretations have been made in this report. Fluctuations in the level of the groundwater however occur due to temporal or spatial variations in areal recharge rates, soil heterogeneities, the presence of subsurface utilities, and/or natural or artificially induced perturbations. The observed water table may be other than indicated in the Report.

## COMPLIANCE WITH CODES AND REGULATIONS

7. We used reasonable care in identifying and interpreting applicable codes and regulations necessary to execute our scope of work. These codes and regulations are subject to various, and possibly contradictory, interpretations. Interpretations and compliance with codes and regulations by other parties is beyond our control.

**SCREENING AND ANALYTICAL TESTING**

8. GZA collected environmental samples at the locations identified in the Report. These samples were analyzed for the specific parameters identified in the report. Additional constituents, for which analyses were not conducted, may be present in soil, groundwater, surface water, sediment and/or air. Future Site activities and uses may result in a requirement for additional testing.
9. Our interpretation of field screening and laboratory data is presented in the Report. Unless otherwise noted, we relied upon the laboratory's QA/QC program to validate these data.
10. Variations in the types and concentrations of contaminants observed at a given location or time may occur due to release mechanisms, disposal practices, changes in flow paths, and/or the influence of various physical, chemical, biological or radiological processes. Subsequently observed concentrations may be other than indicated in the Report.

**INTERPRETATION OF DATA**

11. Our opinions are based on available information as described in the Report, and on our professional judgment. Additional observations made over time, and/or space, may not support the opinions provided in the Report.

**ADDITIONAL INFORMATION**

12. In the event that the Client or others authorized to use this report obtain additional information on environmental or hazardous waste issues at the Site not contained in this report, such information shall be brought to GZA's attention forthwith. GZA will evaluate such information and, on the basis of this evaluation, may modify the conclusions stated in this report.

**ADDITIONAL SERVICES**

13. GZA recommends that we be retained to provide services during any future investigations, design, implementation activities, construction, and/or property development/ redevelopment at the Site. This will allow us the opportunity to: i) observe conditions and compliance with our design concepts and opinions; ii) allow for changes in the event that conditions are other than anticipated; iii) provide modifications to our design; and iv) assess the consequences of changes in technologies and/or regulations.



## **APPENDIX B**

### **CTDEEP GENERAL PERMITS**



# **General Permit for the Discharge of Groundwater Remediation Wastewater**

Issuance Date: February 21, 2018  
Expiration Date: February 20, 2023

Bureau of Materials Management and Compliance Assurance  
Water Permitting and Enforcement Division (WPED)  
860-424-3025

# General Permit for the Discharge of Groundwater Remediation Wastewater

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# General Permit for the Discharge of Groundwater Remediation Wastewater

## Section 1. Authority

This general permit is issued under the authority of section 22a-430b of the General Statutes.

## Section 2. Definitions

Terms used in this general permit shall be defined as they are in section 22a-423 of the General Statutes and section 22a-430-3(a) of the Regulations of Connecticut State Agencies. For purposes of this general permit, the following definitions shall also apply:

*“7Q10 flow (seven-day, ten year low flow)”* means the lowest seven consecutive day mean stream flow with a recurrence interval of ten years.

*“Approval of registration”* means an approval of registration issued under Section 3 of this general permit.

*“Aquifer protection area”* means aquifer protection area as defined by section 22a-354h of the General Statutes.

*“Authorized discharge”* means a discharge authorized by this general permit.

*“Best management practice”* or *“BMP”* means a practice, procedure, structure, or facility designed to prevent or minimize environmental damage or to maintain or enhance environmental quality. BMPs include without limitation, facilities to reduce pollutants in wastewater and practices or structures to minimize the generation of waste, to control runoff, drainage, spillage, or leaks of contaminated material, to protect sources of drinking water and drinking water wells, and to protect streamflows and aquatic life.

*“Bioaccumulate”* means the uptake and retention of substances by an organism from its surrounding medium and/or food.

*“Bioconcentrate”* means the uptake and retention of substances by an organism from its surrounding medium.

*“CERCLA”* means Comprehensive Environmental Response, Compensation, and Liability Act.

*“Certified Hazardous Materials Manager”* or *“CHMM”* means a person who has gained recognition as a certified hazardous materials manager in accordance with the requirements developed and administered by the Institute of Hazardous Materials Management.

*“CFR”* means the Code of Federal Regulations.

*“Coastal boundary”* means coastal boundary as defined by section 22a-94 of the General Statutes.

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

*“Cone of depression”* means an area surrounding a withdrawal of groundwater, the cross sectional border of the point(s) at which groundwater recharge equals the rate of withdrawal.

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

*“DSN”* means discharge serial number, i.e. an identifying number 101, 102, 103, etc. designating each discreet discharge consisting solely of wastewater authorized by this general permit.

*“Effluent”* means the wastewater authorized to be discharged by this general permit after treatment and prior to mixing with liquid from any other source.

*“Effluent limitation”* means an effluent limitation established in this general permit, including limitations specified in Appendix A or B of this general permit.

*“Emerging contaminants”* means emerging contaminants as defined in the “Technical Fact Sheets about Contaminants of Concern at Federal Facilities”, available at: [www.epa.gov/fedfac/emerging-contaminants-and-federal-facility-contaminants-concern](http://www.epa.gov/fedfac/emerging-contaminants-and-federal-facility-contaminants-concern).

*“Endangered or threatened species”* means endangered or threatened species as defined by section 26-304 of the General Statutes.

*“EPA”* means the United States Environmental Protection Agency.

*“General Statutes”* means the Connecticut General Statutes.

*“Groundwater remediation recirculating system”* means a system designed to recover groundwater, treat it to an appropriate standard and inject it back to groundwater through a designed infiltration system.

*“Groundwater remediation wastewater”* means wastewater generated in connection with investigating pollution or remediating polluted groundwater, sediment or soil. Groundwater remediation wastewater includes without limitation groundwater withdrawn from a groundwater recovery well; groundwater which collects in an excavation or foundation drain or other subsurface facility or structure; groundwater contaminated runoff and stormwater impacted by on-site pollutants from any construction activity; condensate resulting from construction or maintenance of a soil vapor extraction system; washdown or backwash wastewater from treatment facilities; well development wastewater, and wastewater generated by removing an underground storage tank or by developing, testing, sampling, or purging a well, or by maintaining treatment facilities.

*“Impaired water”* means those surface waters of the state designated by the commissioner as impaired pursuant to section 303(d) of the federal Clean Water Act and as identified in the most recent State of Connecticut Integrated Water Quality Report.

*“Individual permit”* means a permit issued to a named person or municipality under section 22a-430 of the General Statutes.

*“Influent”* means the groundwater to be discharged prior to any treatment except for the implementation of BMPs at pump intakes for the control of solids.

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

*“Intermittent discharge”* means a discharge that is generated at scheduled intervals related to activities such as groundwater monitoring, site investigation, groundwater pump tests, or related activities. Discharges that temporarily cease due to treatment system shutdown, lack of available groundwater or other unscheduled reasons are not intermittent as defined by this general permit.

*“Licensed Environmental Professional”* or *“LEP”* means an environmental professional licensed pursuant to the requirements of section 22a-133v of the General Statutes.

*“Maximum contaminant level”* or *“MCL”* means the highest level of a contaminant that is allowed in drinking water under the National Primary Drinking Water Regulations.

*“Mg/l”* means milligrams per liter.

*“Minimum Level”* means the lowest concentration of a pollutant that an analytical methodology can detect and determine the concentration of in accordance with 40 CFR 136 or other accepted protocols. *“Minimum Level”* means the same as *“Reporting Limit”*, *“Quantitation Limit”* and *“Quantification Level”*.

*“Monitoring requirement”* means the requirements specified in Sections 5, 5A, 5B, or 5C of this general permit for the evaluation of wastewaters being discharged.

*“NOAEL”* or *“no observable acute effect level of greater than or equal to 100%”* means that a sample of non-diluted effluent analyzed by a toxicity test conducted pursuant to section 22a-430-3(j)(7)(A) of the Regulations of Connecticut State Agencies, as required in Section 5A(a)(2) of this general permit, demonstrates 90% or greater survival for each test organism.

*“Oxygenates”* means fuel additives (alcohols and ethers) that contain oxygen which can boost gasoline’s octane quality, enhance combustion, and reduce exhaust emissions.

*“Permittee”* means a person who or municipality which initiates or maintains an authorized discharge.

*“Professional engineer”* or *“P.E.”* means a professional engineer licensed by the Connecticut Department of Consumer Protection.

*“POTW authority”* means the chairperson or responsible official of the Water Pollution Control Authority which owns or operates a Publicly Owned Treatment Works.

*“Publicly owned treatment works”* or *“POTW”* means a system used for the collection, treatment and/or disposal of sewage from more than one lot as defined in section 22a-430-1

of the Regulations of Connecticut State Agencies and which discharges to the waters of the state and which is owned by a municipality, a regional water authority, or the state.

*“Qualified professional”* means a P.E., LEP, or CHMM who has, for a minimum of eight years, engaged in the design, installation, operation, and maintenance of systems for the collection and treatment of sanitary, industrial, commercial, or remediation wastewaters including, but not limited to, a minimum of four years in responsible charge of design, installation, operation, and maintenance of such systems.

*“Recovery well”* means a well used to pump contaminated groundwater.

*“Registrant”* means a person who or municipality which files a registration.

*“Registration”* means a registration filed pursuant to Section 4 of this general permit.

*“Remote site”* means a site on which groundwater remediation equipment is installed and operates but on which the permittee does not maintain other commercial activity.

*“Screening analysis”* means an analysis performed to satisfy the registration requirements of Section 4 of this permit, and the ongoing screening analysis required pursuant to Section 5(a) of this permit for the evaluation of groundwater prior to treatment for the removal of pollutants.

*“Screening form”* means form no. DEEP-WPED-SCREEN-027 as provided by the commissioner.

*“Site”* means geographically contiguous land or water from which an authorized discharge takes place or from which a discharge for which authorization is sought under this general permit is proposed to take place. Non-contiguous land or water owned by the same person or municipality and connected by a right-of-way which such person or municipality controls and from which the public is excluded shall be deemed the same site.

*“Sufficiently sensitive”* means using a sufficiently sensitive analytical method as defined in 40 CFR §122.44(i)(1)(iv).

*“Surface water(s)”* means the waters of Long Island Sound, its harbors, embayments, tidal wetlands and creeks; rivers and streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, federal jurisdictional wetlands, and other natural or artificial, public or private, vernal or intermittent bodies of water, excluding groundwater.

*“Target compound”* means a compound that is identified and quantified in accordance with 40 CFR 136, or other accepted protocols.

*“Tentatively identified compound”* or *“TIC”* means a chemical compound detected in a sample that is not a target compound, internal standard, system monitoring compound or surrogate.

*“Tidal wetland”* means wetland as defined by section 22a-29 of the General Statutes.

*“Total petroleum hydrocarbons analysis”* means analysis conducted in accordance with 40 CFR 136 to determine the concentration of gross oil or hydrocarbon in a substance or material.

*“Toxic”* means having the ability to adversely affect the survival, growth, or reproduction of organisms or humans through either direct contact or consumption.

*“Toxicity reduction evaluation or “TRE”* means an evaluation intended to determine those actions necessary to achieve compliance with the Whole Effluent Toxicity limits specified in Section 5A(a)(2) of this general permit.

*“µg/l”* means micrograms per liter.

*“Volatile organic compound” or “VOC”* means volatile organic compound as defined in 40 CFR 51.100(s).

*“Volume proportioned average”* is a calculated concentration of pollutants in a wastewater generated by multiplying the pollutant concentration in multiple samples by the relative volume, as a percentage of the total wastewater represented by each sample and adding all results.

*“Watercourse”* means a watercourse as that term is defined by section 22a-38 of the General Statutes, including those waters designated as Coastal Waters as defined by section 22a-93 of the General Statutes.

*“Well development”* means the pumping of a well to accomplish the removal of scale or other fine materials from its sides.

*“Well point dewatering”* means the process of dewatering an area, including an excavation, by pumping a well or wells located outside such area.

*“Well purging”* means removing standing water from a well to encourage inflow of surrounding groundwater.

*“Well rehabilitation”* means to physically or chemically treat a groundwater remediation well to remove chemical or biological residues from the well screen(s), annular space, sand pack, and native materials immediately adjacent to the well to return the well to its design function.

### **Section 3. Authorization Under this General Permit**

#### **(a) Eligible Activities**

The following discharges are authorized by this general permit, provided the requirements of Section 3(b) of this general permit are satisfied:

- (1) Any discharge of groundwater remediation wastewater to a surface water, either through a dedicated conveyance, or through any other conveyance system that the permittee is authorized to utilize, or
- (2) Any discharge of groundwater remediation wastewater to a Publicly Owned Treatment Works (POTW), or

- (3) Discharge of well rehabilitation wastewaters and groundwater remediation recirculating system wastewater if conducted in accordance with the requirements of Sections 5C(a), 5C(b) and/or 5C(c) of this general permit.

All other discharges of water, substances or materials into the waters of the state are not authorized under this general permit, and any person who or municipality which initiates, creates, originates, or maintains such a discharge shall first apply for and obtain authorization under section 22a-430 or 22a-430(b) of the General Statutes.

**(b) *Requirements for Authorization***

This general permit authorizes a discharge comprised solely of groundwater remediation wastewater, provided that:

**(1) Registration**

- (A) Except as provided in Section 3(b)(1)(B) of this general permit, a complete and sufficient registration with respect to such discharge has been filed with the commissioner.
- (B) A complete and sufficient registration with respect to such discharge has been filed with the commissioner and the commissioner has issued an Approval of Registration with respect to such discharge if:
  - (i) the combined maximum daily flow of all groundwater remediation wastewater generated at such site exceeds ten percent of the 7Q10 flow of the watercourse into which such wastewater is discharged, or
  - (ii) the combined maximum daily flow of all groundwater remediation wastewater generated at such site exceeds one-half of one per cent of the water volume of the impoundment, lake, or pond into which such wastewater is discharged, or
  - (iii) the discharge is directed to a surface water with a Water Quality Classification designated as Class AA or any tributary thereof, or
  - (iv) wastewater treatment will include the addition of chemicals, other than for final effluent pH adjustment, used as part of wastewater treatment or for the maintenance of any treatment system component, or
  - (v) groundwater remediation wastewater to be discharged contains any pollutant, excluding temperature, solids, nutrients and oxygenates, for which no limit is specified in Appendix A or Appendix B, or
  - (vi) radioactive material as defined by section 22a-148 of the General Statutes has been deposited on the site from which such discharge takes place or is proposed to take place, or,
  - (vii) groundwater from adjacent properties potentially effected by pollutants originating from the registered property will be collected



at such adjacent properties and pumped or transported to the registered property for treatment and discharge, or

- (viii) the discharge is to be directed to the ground, including discharges of well rehabilitation wastewaters, or
- (ix) the discharge is generated from the dewatering of dredged sediments, or
- (x) the pollutants being remediated have been identified as a source of impairment in the waterbody receiving the discharge, or
- (xi) a stormwater conveyance or other structure that is not part of a designed wastewater treatment system is to be used to reduce pollutants to allowable limits, or
- (xii) the commissioner determines that emerging contaminant(s) are present at levels that require development of site specific monitoring requirements and/or discharge limitations.

(2) Coastal Area Management and Permitting

Such activity is consistent with all-applicable goals and policies in section 22a-92 of the General Statutes, and will not cause adverse impacts to coastal resources as defined in section 22a-93 of the General Statutes or 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, the activity is authorized pursuant to sections 22a-359 through 22a-363f, inclusive, or 22a-28 through 22a-35, inclusive.

(3) Endangered and Threatened Species

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

(4) Aquifer Protection

Such activity, if it is located within an aquifer protection area as mapped under section 22a-354b of the General Statutes, complies with regulations adopted pursuant to section 22a-354i of the General Statutes.

(5) Conservation and Preservation Restrictions

Such activity, if located within a conservation or preservation restriction area, complies with section 47-42d of the Connecticut General Statutes, by providing the following documentation to the commissioner: 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.

(6) Wild and Scenic Rivers Act

Such activity must be consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) for those river components and tributaries which have been designated as Wild and Scenic by the United States Congress. Further, such activity must not have a direct and adverse effect on the values for which such river designation was established.

(7) Antidegradation Standards

Such activity is consistent with the Antidegradation Standards of section 22a-426-8 of the Regulations of Connecticut State Agencies.

(8) Water Diversion Policy Act

Such activity is consistent with the Water Diversion Policy Act which requires that any person or municipality maintaining a diversion at a rate exceeding 50,000 gallons in any twenty- four hour period shall:

- (A) have in effect a valid license issued by the commissioner pursuant to sections 22a-368 or 22a-378a of the General Statutes, or
- (B) be exempt pursuant to section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies.

(9) New Discharges to Impaired Waters or Surface Waters with Total Maximum Daily Loads

A new surface water discharge to an impaired water listed in the most recent Connecticut Integrated Water Quality Report pursuant to Clean Water Act section 303(d) and 305(b) is not authorized unless the permittee provides to the commissioner the following documentation to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard:

- (A) For discharges of pollutants which cause or contribute to the impairment of a water body segment without an established Total Maximum Daily Load (TMDL), the permittee must provide data and other technical information to the commissioner sufficient to demonstrate that the discharge of the pollutant identified as an indicator of the impairment will meet in-stream water quality criteria at the point of discharge to the waterbody.

For discharges to waterbody segments impaired for Aquatic Life Uses, discharges shall not contain concentrations of any pollutants with a Water Quality Criteria (WQC) identified in section 22a-426-9 Table 3 of the Regulations of Connecticut State Agencies in concentrations greater than the more restrictive of the chronic aquatic life criteria or applicable human health criteria.

- (B) For discharges to waters with an established Total Maximum Daily Load (TMDL), the Department must determine that there are sufficient remaining Waste Load Allocations in the TMDL to allow the discharge and that existing dischargers to the waterbody are subject to compliance

schedules designed to bring the waterbody into attainment with water quality standards.

To be eligible for authorization under this subsection, the registrant must receive a written determination from the commissioner that the discharge will not contribute to the existing impairment. If the registrant does not receive such written determination, the activity is not authorized by this general permit and must obtain an individual permit.

(10) Existing Discharges to Impaired Surface Waters

For previously authorized discharges to impaired waterbody segments or other sensitive areas, the commissioner may require additional control measures or may require authorization under an individual permit pursuant to Sections 3(f)(Transition to and from an Individual Permit) and 4(f) (Action by Commissioner) of this general permit.

- (11) If radioactive material as defined by section 22a-148 of the General Statutes has been deposited on the site from which discharge takes place or is proposed to take place, such discharge is performed and monitored in accordance with the applicable conditions 10 CFR 50.36a “Technical specifications effluents from nuclear power reactors” plus 10 CFR 20 Appendix B “Standards for Protection Against Radiation” and 40 CFR 190, “Environmental Radiation Protection Standards For Nuclear Power Operations”.
- (12) If such site is a solid waste disposal area, as defined in section 22a-207 of the General Statutes, for which the department has required that a groundwater monitoring plan be approved by the commissioner, the commissioner has approved such a plan.
- (13) Any local authorization(s) required for such a discharge or associated activities have been obtained, including written approval from the POTW authority if applicable.
- (14) Such discharge does not physically disturb any tidal wetland or reduce the salinity of any tidal, navigable, or coastal water by more than five percent.
- (15) If such discharge is directed to surface waters with a Water Quality Classification designated as Class AA or any tributary thereof, or to ground waters with a Water Quality Classification designated as GAA, or an Aquifer Protection Area, a copy of the registration has been filed with the appropriate water utility and the Department of Public Health, Drinking Water Section via email at [DPH.SourceProtection@ct.gov](mailto:DPH.SourceProtection@ct.gov), and such discharge has been approved in writing by the Department of Public Health, Drinking Water Section.

(16) Certifications by a Qualified Professional

For discharges of longer than 30 days, as required by Section 4(c)(2)(R) of this general permit, the registrant has submitted to the commissioner a written certification which, at a minimum, complies with the following requirements:

- (A) such certification was signed by a Qualified Professional as defined in this general permit;
- (B) such certification is not the subject of an audit as described under section 22a-430b of the Connecticut General Statutes;
- (C) the Qualified Professional signing the certification has, at a minimum, completely and thoroughly reviewed this general permit and the following regarding the discharges to be authorized under this general permit: (i) all registration information provided in accordance with Section 4(c)(2) of this general permit, (ii) the facility, based on a site inspection, (iii) compliance records, (iv) all wastewater collection and treatment systems and monitoring equipment, including any plans and specifications, operating records and any Department approvals regarding such wastewater collection and treatment systems and monitoring equipment;
- (D) the Qualified Professional signing the certification has made an affirmative determination, based on the review described in Section 3(b)(16)(C) of this general permit, that any treatment or Best Management Practices are adequate to assure that the activity to be authorized under this general permit will comply with the terms and conditions of such general permit and all wastewater collection and treatment systems and monitoring equipment: (i) have been designed and installed to control pollution to the maximum extent achievable using measures that are technologically available and economically practicable, (ii) will function properly as designed based on visual inspection, compliance and operating records, and (iii) are adequate to ensure compliance with the terms and conditions of this general permit;
- (E) such Qualified Professional certifies, provided it is true and accurate, to the following statement: "I hereby certify that I am a Qualified Professional as defined in the General Permit for the Discharge of Groundwater Remediation Wastewater and as further specified in Section 3(b)(16) of such permit. I am making this certification in connection with a registration under such general permit, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY]. I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section 3(b)(16)(C) of such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I further certify that I have made the

affirmative determination required in accordance with Section 3(b)(16)(D) of this general permit and that my signing this certification constitutes conclusive evidence of my having made such affirmative determination. I understand that this certification may be subject to an audit by the commissioner in accordance with section 22a-430b of the Connecticut General Statutes, and I agree to cooperate with the commissioner should such an audit be required, including, but not limited to providing information as may be requested in writing by the commissioner in connection with any such audit. I also understand that knowingly making any false statement in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the Connecticut General Statutes and any other applicable law."

(17) Certification Requirements for Registrants and other Individuals

As part of the registration for this general permit, the registrant and any other individual or individuals responsible for preparing the registration submits to the commissioner a written certification which, at a minimum, complies with the following requirements:

- (A) the registrant and any other individual or individuals responsible for preparing the registration and signing the certification has completely and thoroughly reviewed, at a minimum, this general permit and the following regarding the activities to be covered under such general permit: (i) all registration information provided in accordance with Section 4(c)(2) of such general permit, (ii) the facility, based on a visual site inspection, (iii) compliance records, (iv) all wastewater collection and treatment systems and monitoring equipment, including any plans and specifications, operating records and any Department approvals regarding such wastewater collection and treatment systems and monitoring equipment;
- (B) the registrant has, based on the review described in Section 3(b)(17)(A) of this general permit, made an affirmative determination to: (i) comply with the terms and conditions of this general permit; (ii) maintain compliance with all plans and documents prepared pursuant to this general permit, and (iii) properly operate and maintain all wastewater collection and treatment systems and monitoring equipment in compliance with the terms and conditions of this general permit to protect the waters of the state from pollution;
- (C) such registrant certifies to the following statement: "I hereby certify that I am making this certification in connection with a registration under such general permit, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY] and that such activity is eligible for authorization under such permit. I certify that the registration filed pursuant to this general permit is on complete and accurate forms as prescribed by the commissioner without alteration of their text. I certify that I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all

information described in Section 3(b)(17)(A) of such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I further certify that I have made the affirmative determination required in accordance with Section 3(b)(17)(B) of this general permit and that my signing this certification constitutes conclusive evidence of my having made such affirmative determination.

I certify that our facility does not use products or chemicals that may result in a discharge of mercury.

I understand that the registration filed in connection with such general permit may be denied, revoked or suspended for engaging in professional misconduct, including but not limited to the submission of false or misleading information, or making a false or inaccurate certification. I understand that the certification made pursuant to Section 3(b)(16) of this general permit may be subject to an audit by the commissioner in accordance with section 22a-430b of the Connecticut General Statutes, and that I will be required to provide additional information as may be requested in writing by the commissioner in connection with such audit, and the registration filed in connection with such general permit may be denied, revoked or suspended as a result of such audit. As part of such audit, I understand the commissioner may require that any information prepared in accordance with this general permit be independently certified by a Professional Engineer in accordance with this general permit and that such independent certification shall be at the registrant's expense. I understand that the reasonable cost of any such audit that reveals that a false certification was submitted to the commissioner may be charged to the registrant for this general permit for which such certification was made. I also understand that knowingly making any false statement in the submitted information and in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the Connecticut General Statutes and any other applicable law."

- (D) any other individual or individuals responsible for preparing the registration certifies to the following statement: "I hereby certify that I am making this certification in connection with a registration under such general permit, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY] and that such activity is eligible for authorization under such permit. I certify that the registration filed pursuant to this general permit is on complete and accurate forms as prescribed by the commissioner without alteration of their text. I certify that I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section 3(b)(17)(A) of such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such

information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I understand that the registration filed in connection with such general permit may be denied, revoked or suspended for engaging in professional misconduct, including but not limited to the submission of false or misleading information, or making a false or inaccurate certification. I understand that knowingly making any false statement in the submitted information and in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the Connecticut General Statutes and any other applicable law.”

- (18) No pollutant with an effluent limit specified as not detected (ND) is detected using sufficiently sensitive analytical methods.

**(c) *Geographic Area***

This general permit applies throughout the State of Connecticut.

**(d) *Effective date and expiration date of this General Permit***

This general permit is effective on February 21, 2018 and expires on February 20, 2023.

**(e) *Effective date of Authorization under this General Permit***

- (1) Except as provided in Section 3(e)(2) of this general permit, a discharge of groundwater remediation wastewater is authorized on the date the commissioner receives a complete and sufficient registration with respect to such discharge.
- (2) A discharge for which an approval of registration is required under Section 3(b)(1)(B) of this general permit is authorized on the date the commissioner issues an approval of registration with respect to such discharge.

**(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 of authorization of this general permit and such operation or activity is presently authorized by an individual permit, the permittee may seek a modification to the permit to exclude such operation or activity from the individual permit or if the operation or activity is the sole operation or activity authorized by such permit, the permittee shall surrender its permit in writing to the commissioner. In either event, such permittee’s individual permit shall continue to apply and remain in effect until authorization of such operation or activity under this general permit takes effect.
- (2) *Transition from Authorization under this General Permit to an Individual Permit.* If an activity or operation is authorized under this general permit and the commissioner 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.

## **Section 4. Registration Requirements**

### **(a) *Who Must Submit a Registration***

Any person or municipality seeking authorization under this general permit to initiate, create or maintain a discharge of groundwater remediation wastewater shall file with the commissioner a registration which meets the requirements of this section, and the applicable fee specified by Section 4(c) of this general permit in accordance with the following:

- (1) For a new discharge of groundwater remediation wastewater, a complete and sufficient registration and applicable fee shall be filed with the commissioner prior to the initiation of such discharge.
- (2) For an existing discharge of groundwater remediation wastewater authorized under the General Permit for the Discharge of Groundwater Remediation Wastewater Directly to Surface Water effective on March 30, 2016 and expiring on March 29, 2018, a complete and sufficient registration and applicable fee shall be filed with the commissioner on or before April 15, 2018.
- (3) For an existing discharge of groundwater remediation wastewater authorized under the General Permit for the Discharge of Groundwater Remediation Wastewater to a Sanitary Sewer effective on February 15, 2008 and expiring on February 15, 2018, a complete and sufficient registration and applicable fee shall be filed with the commissioner on or before March 29, 2018.

### **(b) *Scope of Registration***

A registrant shall register on one registration form every discharge originating from a single site for which discharge the registrant seeks authorization under this general permit. Discharges originating from more than a single site may not be registered on the same registration form.

### **(c) *Contents of Registration***

- (1) Fees
  - (A) Except as provided in Sections 4(c)(1)(B) and (C) of this general permit, a registration fee of \$625 for any person and \$312.50 for any municipality shall be submitted with a registration form.
  - (B) A registration fee of \$1,250 for any person or \$625 for any municipality shall be submitted for any discharge of groundwater remediation wastewater for which an approval of registration is required under Section 3(b)(1)(B) of this general permit unless such approval of registration is issued by the commissioner under Section 3(b)(1)(B)(xii) of this general permit.



- (C) Discharges from a building used solely as a single-family residence shall be exempt from the fees required under Section 4(c)(1) of this general permit.
- (D) A registration shall not be deemed complete and sufficient and the subject discharge shall not be authorized by this general permit unless the registration fee has been paid in full.

(2) Registration Form

A registration shall be filed on forms prescribed and provided by the commissioner and shall, with respect to each discharge registered on such form, include the following:

- (A) Legal name, address, and telephone number of the owner of the site from which the subject discharge takes, or is to take, place.
- (B) Legal name, address, and telephone number of the registrant's attorney or other representative, if applicable.
- (C) Legal name, address, and telephone number of any consultant(s), or engineer retained by the registrant to prepare the registration.
- (D) Location address and groundwater classification of the site of the subject discharge.
- (E) The name and water quality classification of the surface water receiving the discharge, the 7Q10 flow of said surface water, and the method of calculating the 7Q10 flow of the surface water, including but not limited to, identification of the sources(s) of all information used in such calculation, if applicable.
- (F) The name of the POTW which will receive the discharge, if applicable.
- (G) The maximum daily flow and number of hours per day of the subject discharge.
- (H) If the subject discharge is an existing discharge, the date it began and the date it is expected to end; if the subject discharge is a new discharge, the date the registrant intends to initiate the discharge and the date it is expected to end.
- (I) A statement whether or not the subject discharge will take place within the coastal boundary, in essential habitat of an endangered or threatened species, or in an aquifer protection area as defined in section 22a-354h of the General Statutes.
- (J) A statement whether the subject discharge will take place within ¼-mile of any public or private drinking water well.

- (K) An indication of whether the site is on the State or Federal Superfund list, National Priority List, listed under CERCLA, has been used for the disposal of hazardous materials, or is subject to the reporting requirements of sections 22a-6u or 22a-134 of the General Statutes.
- (L) A detailed description of any treatment facility for the subject wastewater, including without limitation a description of flow monitoring equipment or techniques and devices used for recording total daily flow, and a statement whether any such system will employ air stripping.
- (M) A detailed description of any erosion and sediment controls, and energy dissipation structures to be used in connection with the subject remedial measures.
- (N) A plan of the site where the subject wastewater will be generated, showing at a minimum: the legal boundaries of such site; the location of existing and planned recovery, soil venting, and drinking water wells thereon; the location from which the subject discharge leaves the site; the location from which the subject discharge enters the surface water; the location of all monitoring wells and other places where chemical, physical, or biological monitoring does or will take place; the existing or planned treatment system for the subject wastewater; and the location, if any, of all tidal wetlands and of all inland wetlands and watercourses.
- (O) A 8 ½" x 11" copy of each applicable section of a United States Geological Survey quadrangle map with a scale of 1:24,000, which shows: the exact location of each discharge; the longitude and latitude of the discharge to within the closest 15 seconds; and the location of any drinking water wells within ¼-mile of the site. Each quadrangle map should be marked with the name of such map.
- (P) The results of a screening analysis conducted pursuant to Sections 4 and 5(a) of this general permit, as documented on a screening form, prescribed and provided by the commissioner.
- (Q) An "Application for Approval of Registration if an Approval of Registration is required per Section 3(b)(1)(B) of this general permit.
- (R) A certification by a Qualified Professional that complies with Section 3(b)(16) of this general permit for discharges exceeding 30 days in duration.
- (S) A written certification, signed by the registrant and any other individual or individuals responsible for preparing the registration, which complies with the requirements of Section 3(b)(17) of this general permit.
- (T) Attachment K, Department of Public Health, Drinking Water Section Approval, if such approval is required by Section 3(b)(15) of this General Permit pertaining to discharges to surface waters with a Water Quality Classification designated as Class AA or any tributary thereof, or to

ground waters with a Water Quality Classification designated as GAA, or an Aquifer Protection Area,

**(d) *Where to Submit a Registration***

- (1) A registration shall be filed at the following address:

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

- (2) One additional copy of the complete and sufficient registration shall be submitted for each of the following conditions:

- (A) For any discharge of groundwater remediation wastewater where drinking water wells exist within one-quarter mile of the proposed site;
- (B) For any discharge of groundwater remediation wastewater where air stripping is used as a wastewater treatment technology.

**(e) *Additional Information***

The commissioner may require a registrant to submit additional information which the commissioner deems reasonably necessary to evaluate whether the subject discharge is consistent with the criteria for authorization under this general permit.

**(f) *Action by Commissioner***

- (1) The commissioner may reject a registration if the registration is not accompanied by the required fee or the commissioner determines that the registration does not include the information required in Section 4(c) of this general permit. Any registration 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 deny a registration 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) Denial of a registration under this subsection shall constitute notice to the registrant that the subject activity may not lawfully be conducted or maintained without the issuance of an individual permit.
- (4) The commissioner may approve a registration with reasonable conditions. If the commissioner approves a registration with conditions, the permittee shall be bound by such conditions as if they were a part of this general permit.
- (5) Rejection, denial, or approval of a registration shall be in writing.

## Section 5. Conditions of this General Permit – ALL DISCHARGES

The permittee shall at all times continue to meet the requirements for authorization set forth in Section 3 of this general permit. In addition, the permittee shall assure that authorized activities are conducted in accordance with the following conditions:

### (a) *Screening Analysis Requirements*

#### (1) Frequency

##### (A) Initial Screening Analysis

Except as noted in the next paragraph, an initial screening analysis shall be conducted prior to registering for authorization under this general permit and results shall be submitted on forms prescribed and provided by the commissioner with the registration form per Section 4(c)(2)(P) of this general permit.

If the authorized discharge is the result of an emergency response, unexpected release, or underground storage tank release, the initial screening analysis shall be submitted within 30 days of submittal of a registration.

##### (B) Ongoing Screening Analysis

After registering, and for the duration of authorization under this general permit, the registrant shall conduct ongoing screening analysis. Analysis shall be recorded on forms prescribed and provided by the commissioner, submitted in accordance with Section 5 of this general permit, and be maintained on site or be readily available by the permittee. Ongoing screening analysis shall be conducted in accordance with the following schedule based on discharge volume:

<b><i>Maximum Daily Flow</i></b>	<b><i>Ongoing Screening Frequency</i></b>
< 5,000 gallons per day	annually
≥ 5,000 gallons per day	twice per year

#### (2) Protocols

All screening analysis, initial and ongoing, required by this general permit shall conform to the following:

(A) Samples shall be grab samples of untreated wastewater.

(B) Samples shall be analyzed to determine the concentration or level therein of:

(i) Total volatile organic compounds;

(ii) Total petroleum hydrocarbons;

- (iii) Total copper, total lead, total mercury, total zinc, total iron and total cadmium;
  - (iv) pH;
  - (v) Total Nitrogen and Total Phosphorous
  - (vi) Temperature;
  - (vii) Total settleable solids;
  - (viii) Total suspended solids.
- (C) If wastewater to be discharged is reasonably expected to be impacted by petroleum compounds other than gasoline, samples of untreated wastewater shall be analyzed for Polynuclear Aromatic Hydrocarbons (PAHs).
- (D) If wastewater to be discharged is reasonably expected to be impacted by gasoline, the samples of untreated wastewater shall be analyzed for gasoline oxygenates, including TBA, MTBE, TAME, and related compounds known to be added to the gasoline released. Analysis shall be by EPA Method 624, or other methodology approved pursuant to 40 CFR 136.
- (E) If any pollutant listed in:
- (i) Appendix B, Tables II, III, IV, or V of section 22a-430-4 of the Regulations of Connecticut State Agencies;
  - (ii) Appendix D of section 22a-430-4 of the Regulations of Connecticut State Agencies; or
  - (iii) Title 10 of the CFR,
- is reasonably known to have been handled, stored, released, or disposed of at or adjacent to the site where the subject wastewater originates, the subject wastewater shall also be analyzed to determine the concentration of such pollutant.
- (F) If any pollutant identified as an emerging contaminant is reasonably known to have been handled, stored, released or disposed of at the site where the subject wastewater originates, the subject wastewater shall also be analyzed to determine the concentration of such emerging contaminants(s) if an analytical method for such pollutant has been approved pursuant to 40 CFR 136. Such monitoring shall not be subject to the ongoing screening analysis or effluent monitoring requirements unless directed to conduct such analysis in writing by the commissioner.

(G) If any pollutant,

- (i) other than one specified in subsections (2)(B), 2(C), 2(D), 2(E) or 2(F) of this section which may be toxic, hazardous, or detrimental to any use of the watercourse designated pursuant to Connecticut's Water Quality Standards into which such wastewater is or will be discharged, or
- (ii) having the potential to bioaccumulate, bioconcentrate, or adversely affect aquatic life,

is reasonably known to have been handled, stored, released, or disposed of at or adjacent to the site where the subject wastewater originates, the subject wastewater shall also be analyzed to determine the concentration of each such pollutant.

(H) Test Methods

All sample analyses shall be done by a laboratory certified by the Connecticut Department of Public Health. All samples shall be tested using the analytical methods found in 40 CFR §136, or alternative test methods approved by EPA in accordance with the procedures in 40 CFR §136. All analyses must be conducted using a sufficiently sensitive test method in accordance with 40 CFR §122.44(i)(1)(iv).

**(b) *Pollution Prevention/Best Management Practices***

- (1) Solid waste, including but not limited to contaminated soils or sludges, may be generated as a result of the remediation activity allowed by this general permit. All waste generated must be disposed of in accordance with applicable federal, state and local law. Some or all of these wastes may be hazardous waste identified in accordance with section 3001 of the Federal Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or other wastes of special concern requiring department approval prior to disposal. It is the responsibility of the permittee to ensure that all wastes generated are properly identified and that all necessary department approvals are secured prior to disposal of the wastes. For further information regarding solid waste management, please contact the Waste Engineering and Enforcement Division at 860-424-3023.
- (2) Air pollution, including but not limited to hazardous air pollutants, may be emitted as a result of the remediation activity allowed by this general permit. It is the responsibility of the permittee to ensure that all air pollution emitted is properly identified and quantified, and that all necessary department approvals are secured prior to emitting such pollutants. All air pollution emitted must be analyzed to ensure compliance with all applicable federal, state and local laws including but not limited to sections 22a-174-1 (Definitions), 22a-174-3 (New Sources), and 22a-174-29 (Hazardous Air Pollutants) of the Regulations of Connecticut State Agencies and the National Emission Standards for Hazardous Air Pollutants (NESHAPs) in the Code of Federal Regulations (40 CFR Part

61). For further information, please contact the Air Permitting Program at 860-424-4152.

- (3) No litter, debris, building materials, or similar materials shall be discharged to the waters of the state from the site.

**(c) *Erosion and Sediment Controls***

If authorized activities create a potential for pollution due to the erosion of soil, erosion and sediment control measures shall be installed and maintained in compliance with the standards set forth in the "2002 Connecticut Guidelines for Soil Erosion and Sediment Control" as revised, established pursuant to section 22a-328 of the Connecticut General Statutes.

- (1) During the construction of any dewatering facility associated with the discharge, erosion and sediment control measures shall be installed and maintained to ensure that erosion of disturbed soils and discharge of eroded sediments to tidal wetlands, inland wetlands and watercourses is minimized or eliminated.
- (2) During discharge operations, erosion and sediment control measures shall be installed and maintained to ensure that discharge energies are sufficiently dissipated to prevent the erosion of soil and the discharge of eroded sediments to tidal wetlands, inland wetlands and watercourses.

**(d) *Regulations of Connecticut State Agencies Incorporated into this General Permit***

The permittee shall comply with all applicable law, including without limitation the following Regulations of Connecticut State Agencies, which are hereby incorporated into this general permit as if fully set forth herein:

Section 22a-430-3:

Subsection (b) General - subparagraph (1)(D) and subdivisions (2), (3), (4) and (5)  
Subsection (c) Inspection and Entry  
Subsection (d) Effect of a Permit - subdivisions (1) and (4)  
Subsection (e) Duty to Comply  
Subsection (f) Proper Operation and Maintenance  
Subsection (g) Sludge Disposal  
Subsection (h) Duty to Mitigate  
Subsection (i) Facility Modifications, Notification - subdivisions (1) and (4)  
Subsection (j) Monitoring, Records and Reporting Requirements - subsections (1), (6), (7), (8), (9) and (11) [except subparagraphs (9)(A)(2), and (9)(C)]  
Subsection (k) Bypass  
Subsection (m) Effluent Limitation Violations  
Subsection (n) Enforcement  
Subsection (o) Resource Conservation  
Subsection (p) Spill Prevention and Control  
Subsection (q) Instrumentation, Alarms, Flow Recorders  
Subsection (r) Equalization

Section 22a-430-4:

Subsection (t) - Prohibitions

Subsection (p) - Revocation, Denial, Modification

Appendices

## Section 5A. Permit Terms and Conditions Applicable for Discharges to Surface Waters

### (a) *Monitoring Requirements*

#### (1) Chemical Monitoring Frequency

Monitoring to verify compliance with the effluent limitations in Section 5A and Appendix A of this general permit and any Approval of Registration issued pursuant to Section 3 of this general permit shall be performed according to the following schedule:

- (A) For all discharges, except as specified in subsection (D) of this section, for each initiation of a discharge, the discharge shall be sampled on the first day of discharge and then every other day for the first week, weekly for the next month, and then as follows depending upon the maximum daily flow:

<i>Maximum Daily Flow</i>	<i>Effluent Monitoring Frequency</i>
< 5,000 gallons per day	quarterly
≥ 5,000 gallons per day	monthly

- (B) For each initiation or restart of a discharge after an exceedance of an effluent limitation, the discharge shall be sampled on the first day of discharge and then every other day for the first week, weekly for the next month, and then in accordance with the sampling schedule at the time the discharge was ceased.
- (C) For each restart of a discharge for any reason other than an exceedance of a parameter limit, the discharge shall be sampled on the first day of discharge and then in accordance with the sampling schedule at the time the discharge was ceased.
- (D) For intermittent discharges of groundwater remediation wastewaters generated from scheduled remediation activities, such as purging conducted prior to monitoring, conducted at sites with no other discharges of wastewater subject to this general permit, the following monitoring shall be required:
- (i) A minimum of one representative sample shall be collected and analyzed in accordance with Section 5A(c) of this general permit for each discharge.



- (ii) If multiple points are sampled independently, a volume-proportioned average of analytical results may be substituted for a single sample.
- (iii) Treatment and discharge shall be conducted as described in Section 5A(d) of this general permit.

(2) Aquatic Toxicity Monitoring

All discharges of Groundwater Remediation Wastewater to a surface water, except intermittent discharges, with a duration of greater than 90 days shall be monitored for aquatic toxicity in accordance with the following:

- (A) Monitoring frequency for aquatic toxicity shall be conducted and reported as follows unless otherwise approved by the commissioner:
  - (i) For discharges exceeding 25,000 gallons per day, monitoring for toxicity shall be conducted quarterly during the months of March, June, September, and December.
  - (ii) For discharges with flows of less than 25,000 gallons per day, monitoring for aquatic toxicity shall be conducted twice per year in the months of March and September.
  - (iii) For discharges consisting solely of well purging wastewater generated during routine monitoring events that comply with all chemical monitoring requirements, toxicity monitoring shall be conducted once during the term of this general permit.
  - (iv) For sites discharging under 1,000 gallons per day, if groundwater levels are insufficient to generate a representative discharge during the routine sampling required above, toxicity monitoring may be waived for that sampling period.
- (B) Samples collected for determination of aquatic toxicity shall be tested using the NOAEL protocol specified in section 22a-430-3(j)(7)(A) of the Regulations of Connecticut State Agencies.
- (C) Toxicity tests shall be initiated within 24 hours of sample collection.
  - (i) Grab samples shall be chilled immediately following sample collection.
  - (ii) Samples used for Aquatic toxicity shall not be dechlorinated, filtered or modified in any way prior to testing, except for samples which require salinity adjustment. For salinities of between 5 ppt and 15 ppt, the effluent may be salinity adjusted to 15 ppt using artificial sea salts.
- (D) Toxicity tests shall be 48 hours in duration.

- (E) For salinity less than 5 ppt toxicity tests shall employ neonatal (less than 24 hours old) *Daphnia pulex* and juvenile (1-14 days old, with no greater than a 24 hour range in age) *Pimephales promelas* as test organisms. For salinity greater than or equal to 5 ppt toxicity tests shall utilize neonatal (1-5 days old with no more than 24-hours range in age) *Mysidopsis bahia* and juvenile (9-14 days old, with no greater than a 24 hour range in age) *Menidia beryllina* as test organisms.
- (F) All samples collected for determination of aquatic toxicity shall be analyzed for chemical parameters as follows:

Pollutant Parameters	Required Minimum Level
Copper, Total Recoverable	0.005 mg/l
Lead, Total Recoverable	0.005 mg/l
Iron, Total Recoverable	0.1 mg/l
Total Residual Chlorine	0.020 mg/l
Temperature	°F
Zinc, Total Recoverable	0.005 mg/l
Salinity	parts per thousand (ppt)
Appearance	---
Hardness	---
Alkalinity	---
Specific conductance	---
pH	+/- 0.10 Standard Unit

- (G) If any toxicity test indicates that either of the conditions listed below has occurred, another sample of the discharge shall be collected and tested as described above within 30 days of the previous test.
- (i) The survival of the test organisms was less than ninety (90) percent in the average of the test chambers containing undiluted effluent (permit limit exceeded).
  - (ii) The survival of test organisms was less than ninety (90) percent in each replicate control test chamber or test conditions were not achieved as specified in section 22a-430-3(j)(7)(A) of the Regulations of Connecticut State Agencies, such as maintenance of appropriate environmental controls (invalid test).
- (H) Following the violation of any aquatic toxicity limit for two consecutive tests or three tests in any 12 month period, the permittee shall conduct a Toxicity Identification/Reduction Evaluation (see Methods for Aquatic Toxicity Identification Evaluations, Publication No. EPA/600/6-91/003) and submit a schedule for return to compliance.

- (I) All toxicity tests and supporting chemistry must be reported to the Department via NetDMR and also by electronic mail on a form provided by the commissioner.

(3) Totals Suspended Solids Requirements

Total Suspended Solids concentrations shall not exceed 30 mg/l. Total Suspended Solids concentrations of greater than 30 mg/l shall be reported and corrected per the conditions of Section 5A(f)(2) of this general permit. Total Suspended Solids concentrations of greater than 30 mg/l are not subject to the requirements of Section 5A(f)(1), (3) or (4) of this general permit.

**(b) Effluent Limitations**

- (1) The effluent limitations specified in Appendix A and/or this section of this general permit and/or specified in the Approval of Registration issued pursuant to Section 3 of this general permit, shall not be exceeded at any time as determined by a grab sample.

Effluent analyses for which quantification was verified during the analysis using sufficiently sensitive methods and which indicate that a parameter was not detected (ND) shall be reported as "less than x" where 'x' is the numerical value equivalent to the minimum level for that analysis.

For any analyses conducted using a sufficiently sensitive test method in accordance with 40 CFR §122.44(i)(1)(iv), if the minimum level for such test method exceeds the effluent limit for the measured pollutant or pollutant parameter, then the effluent limit for the measured pollutant or pollutant parameter shall be non-detect at the minimum level for such test method.

- (2) The maximum daily flow shall not exceed the maximum daily flow specified in the general permit registration.
- (3) The pH of the discharges shall not be less than 6.0 or greater than 8.5 standard units for discharges to surface waters.
- (4) For sites within the influence of naturally saline waters, where such waters are known or presumed to compose all or part of the groundwaters to be pumped, and the discharge is to be directed to such naturally saline water, the limitation for naturally occurring saline water ions shall be 1.5 times the naturally occurring concentration for such ions provided:
  - (A) Groundwater on-site is not known or presumed to be contaminated by such ions as the result of activities that have or are currently occurring at the site,
  - (B) Background concentrations for such ions have been verified by monitoring of the surface water beyond any area influenced by the subject site,
  - (C) The ion does not cause or contribute to a violation of the toxicity requirements of this general permit, and

- (D) Monitoring for such ions is conducted in the surface water at least once per year with analysis being submitted with the reporting required pursuant to Section 5A(e) of this general permit.

**(c) *Additional Monitoring Requirements***

All discharges shall be monitored in accordance with the following:

- (1) The permittee shall monitor the discharge for any pollutant that in the screening analysis conducted pursuant to Section 5(a) of this general permit or any other analysis identifies the presence of such pollutant in the groundwater at levels above either the limitations specified in Appendix A or Section 5A(b) of this general permit or the limitations or conditions specified in an Approval of Registration issued pursuant to Section 3 of this general permit.
- (2) The permittee shall monitor the discharges for the presence of VOCs if the source of contamination includes VOCs, or any screening analysis conducted pursuant to Section 5(a) of this general permit indicates the presence of any VOCs at or above the minimum level, or a combined concentration of oxygenates exceeding 50 ug/l. Tentatively identified compounds (TIC) detected in the screening analysis required pursuant to Section 5(a) of this general permit shall be analyzed as target compounds if such compounds compose greater than 10% of the total pollutant load for VOCs, or if treatment technology is not proven to be as effective for the TICs detected as for target VOCs of concern.
- (3) The permittee shall monitor the discharges for total petroleum hydrocarbons if:
  - (A) the results of any analysis of the discharges indicates that total petroleum hydrocarbons is present in the groundwater to be discharged above the limit identified in Appendix A of this general permit;
  - (B) oil or an oily sheen is visible in the water to be discharged; or
  - (C) the source of the contamination being remediated is petroleum oil.
- (4) All discharges generated during construction dewatering, except well point dewatering, shall be monitored for Total Suspended Solids, and Total Settleable Solids.
- (5) Except as noted in Section 5A(b)(4) of this general permit the permittee shall monitor the discharges for any metal if:
  - (A) any analysis required per Section 5(a)(2) of this general permit indicates that metal is present in the groundwater at concentrations greater than the limit listed in Appendix A;
  - (B) the site has been historically or is presently used to dispose of or store that metal; or

- (C) the permittee has reason to believe that concentrations of the metal in groundwater may exceed the limits in Appendix A, as a result of current or historic on-site activities.
- (6) The permittee shall periodically calibrate and perform maintenance on all monitoring and field equipment at intervals that will ensure the accuracy of measurements.
- (7) Monitoring for flow shall be performed according to the schedule in Section 5A(a)(1)(A) of this general permit. All discharges of greater than 5000 gallons per day, shall have flow monitoring equipment installed, or implement techniques and devices capable of recording total daily flow. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. All other discharges shall implement flow-measuring procedures to adequately estimate flows.
- (8) Monitoring and reporting of radioactive liquid releases shall be performed in accordance with an approval of registration issued pursuant to Section 3(b)(1)(B)(vi) of this general permit *and* with the applicable 10 CFR 50.36a “Technical specifications on effluents from nuclear power reactors” plus 10 CFR 20 Appendix B, “Standards for Protection Against Radiation” and 40 CFR 190, “Environmental Radiation Protection Standards For Nuclear Power Operations”. Annual monitoring reports shall be submitted to the Federal Nuclear Regulatory Commission and the Department’s Bureau of Air Management, Radiation Control Division.
- (9) Monitoring of Discharges to Impaired Waters
- For discharges to impaired waters, the permittee must conduct the following additional monitoring:
- (A) Discharges to Impaired Waters **without** an Established Total Maximum Daily Load (TMDL)
- (i) For discharges to an impaired water without a TMDL, the permittee must monitor annually for any indicator pollutants identified as contributing to the impairment if informed in writing by the Department (and for which a standard analytical method exists). No additional monitoring is required when a waterbody’s biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is identified as an indicator of the impairment, or when a waterbody’s impairment is related to hydrologic modifications, impaired hydrology, or temperature.
- (ii) This monitoring requirement does not apply after the first year of monitoring if the indicator pollutant is not detected above natural

background levels, as determined by the commissioner, in the discharge.

(B) Discharges to Impaired Waters **with** an Established Total Maximum Daily Load (TMDL)

- (i) For discharges to impaired waters for which there is an established TMDL, the permittee is required to monitor for any indicator pollutant identified in the TMDL if informed in writing by the Department (following the Department's examination of the applicable TMDL and/or Waste Load Allocation (WLA)). The Department's notice will include specifications on which indicator pollutant to monitor, limit of detection, and the required monitoring frequency during the first year of permit coverage.
- (ii) Following the first year of monitoring:
  - (a) If the indicator pollutant is not detected in any of the first year samples, the permittee may discontinue further sampling, unless the TMDL has specific instructions to the contrary, in which case the permittee must follow those instructions.
  - (b) If the permittee detects the presence of the indicator pollutant in the discharge for any of the samples collected in the first year, the permittee must continue monitoring annually throughout the term of this permit, unless the TMDL specifies more frequent monitoring, in which case the TMDL requirements must be followed.

(10) Monitoring Location

- (A) Samples shall be taken at the monitoring points identified pursuant to Section 4(c)(2)(N) of this general permit before the effluent joins or is diluted by any other waste stream, or substance.
- (B) For any site with more than one discharge point, individual samples shall be collected from each discharge. Samples shall be designated as DSN 101, DSN 102, etc.

(11) Sample Type

Samples taken for purposes of determining compliance with all effluent limitations and monitoring requirements listed in this general permit shall be grab samples.

(12) Test Methods

- (A) All sample analysis which are required by this general permit shall be conducted by a laboratory certified in accordance with the certification requirements specified in section 19-29a of the General Statutes. All samples shall be tested using the analytical methods found in 40 CFR §136, or alternative test methods approved by EPA

in accordance with the procedures in 40 CFR §136 or using methods approved by the commissioner in an Approval of Registration issued pursuant to Section 3 of this general permit.

- (B) All analyses must be conducted using a sufficiently sensitive test method in accordance with 40 CFR §122.44(i)(1)(iv).

**(d) *Treatment and Inspection Requirements***

- (1) The permittee shall treat the discharge for any pollutant that in the screening analysis conducted pursuant to Section 5(a) of this general permit or any other analysis identifies the presence of such pollutant in the groundwater at levels above either the limitations specified in Appendix A or Section 5A(b) of this general permit or the limitations specified in an Approval of Registration issued pursuant to Section 3 of this general permit or as directed in an Approval of Registration issued pursuant to Section 3 of this general permit.
- (2) Treatment systems implemented shall incorporate best management practices and accepted technologies for the reduction of all pollutants to below the levels specified in Appendix A and/or Section 5A(b) of this general permit and/or specified in the Approval of Registration issued pursuant to Section 3 of this general permit.
- (3) If the discharge is directed to a waterbody or tributary to any waterbody that contributes to a source of public drinking water, treatment shall at a minimum incorporate technologies certified by the NSF for the treatment of drinking water for the removal of the pollutants of concern, and be designed for the flows anticipated.
- (4) Treatment systems shall be inspected and maintained at regularly scheduled intervals as determined by manufacturer specifications, site specific conditions and best professional judgment. The permittee shall conduct routine inspections of all equipment associated with the discharges authorized by this general permit. Inspections shall be conducted as necessary to insure proper operation of all equipment. If the routine inspections are to be conducted at intervals of greater than 7 days, an inspection schedule summarizing inspection protocols shall be included as an Attachment to the general permit registration required pursuant to Section 3 of this general permit, unless the site is a remote site as defined in Section 2 of this general permit with a maximum daily flow of under 14,400 gallons per day. Remote sites with maximum daily flows of less than 14,400 gallons per day shall be inspected as necessary to insure proper operation of all equipment, but at intervals of no more than 30 days.

A log shall be maintained on-site documenting the date of inspection, inspector's name, verification of operation of critical equipment, and a summary of any work or change in equipment associated with the discharges authorized by this general permit.

The discharge shall cease if the treatment system is not operating as necessary to maintain compliance with all effluent limitations.

**(e) *Reporting and Record Keeping Requirements***

- (1) Beginning the effective date of the authorization to discharge, the permittee must record all monitoring data collected to comply with this general permit.
- (2) **For discharges lasting 90 days or more**, within 120 days after the effective date of the authorization to discharge, the operator shall begin reporting monitoring data electronically using NetDMR, unless, in accordance with Section 5A(e)(3) of this general permit, the operator is able to demonstrate on a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for submitting DMR's. DMR Reports are due no later than the last day of the month following the month in which samples are taken.
- (3) **NetDMR opt-out requests** must be submitted in writing to the Department for written approval at least 30 days prior to the date a site would be required under this general permit to begin using NetDMR. This demonstration shall be valid for 12 months from the date of the Department approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically via NetDMR unless the permittee submits a renewed opt-out request and such request is approved by the Department. Except as otherwise specified in writing by the commissioner, each analytical result of a wastewater sample taken and all data generated by any other monitoring conducted under this general permit shall be retained at the subject site for at least five years from the date such result or data was generated or received by the permittee, whichever is later. The commissioner may specify a longer retention period as he reasonably deems necessary upon written notice to the permittee stating the reasons for such longer period. If during the retention period required by this subdivision the commissioner, under chapter 446k of the General Statutes, issues an order or commences a civil action against the permittee, such retention period shall be extended as necessary until such order or action is finally disposed of.
- (4) The permittee shall make any such result or data available to the commissioner upon request.
- (5) Within 14 days of termination of discharge, the permittee shall notify the Department of the date of termination of discharge on a form provided by the commissioner.
- (6) **For discharges lasting less than 90 days**, the results of all monitoring results shall be submitted with the notification of termination of discharge in accordance with Section 5A(e)(5) of this general permit.

**(f) *Duty to Correct, Record, and Report Violations***

- (1) Upon learning of a violation of a condition of this general permit, the permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results and prevent recurrence of such violation.
- (2) The permittee shall:
  - (A) within two hours of becoming aware of the circumstances (and at the start of the next business day if he or she becomes aware of the circumstances



outside normal business hours) of any violation of:

- (i) any maximum daily limitation for a discharge to surface waters of greater than two (2) times the limitation, or
- (ii) if re-sampling for toxicity is required pursuant to Section 5A(a)(2)(G) of this general permit,

notify the Water Permitting and Enforcement Division of the Bureau of Materials Management and Compliance Assurance at 860-424-3025 during business hours 8:30 a.m. – 4:30 p.m.

- (B) within five days of becoming aware of the circumstances of any violation of any maximum daily limitation for a discharge to surface waters of greater than two (2) times the limitation, or aquatic toxicity which requires resampling pursuant to Section 5A(a)(2)(G) of this general permit, submit a written report that contains the following information:

- (i) the condition(s) or effluent limit(s) violated;
- (ii) the analytical results and information demonstrating such violation(s);
- (iii) the cause of the violation(s);
- (iv) period of noncompliance including exact dates and times;
- (v) if the noncompliance has not been corrected, the anticipated time it is expected to continue, and, upon correction, the date and time of correction;
- (vi) steps taken and planned to reduce, eliminate and prevent a recurrence of the noncompliance, and the dates such steps are executed; and
- (vii) the name and title of the person recording the information and the date and time of such recording.

- (3) In addition to the requirements described in section 22a-430-3(j)(11)(D) of the Regulations of Connecticut State Agencies, any other actual or anticipated noncompliance with effluent limits or other terms and conditions of this general permit shall be recorded within twenty-four hours of becoming aware of such circumstances in a log which contains at least the following information:

- (A) the condition(s) or effluent limit(s) violated;
- (B) the analytical results and information demonstrating such violation(s);
- (C) the cause of the violation(s) or noncompliance;
- (D) period of noncompliance including exact dates and times;
- (E) if the noncompliance has not been corrected, the anticipated time it is expected to continue, and, upon correction, the date and time of correction;
- (F) steps taken and planned to reduce, eliminate and prevent a recurrence of the noncompliance, and the dates such steps are executed; and
- (G) the name and title of the person recording the information and the date and time of such recording.

- (4) The permittee shall submit a report to the commissioner prepared by a Professional Engineer licensed to practice in Connecticut, or a Licensed Environmental Professional, or a Certified Hazardous Materials Manager if analytical results, monitoring data or other information indicates any of the following:
- (A) the exceedance of any effluent limit by more than two hundred percent;
  - (B) three or more violations of any effluent limit from a single sample;
  - (C) three successive sampling events each of which show a violation(s) of any effluent limits;
  - (D) the occurrence of four or more violations of any effluent limit during any calendar year;
  - (E) the violation of the pH limit by more than one standard unit

Such report shall contain at least the information required to be recorded under Section 5A(f)(1)(B) of this general permit and must be submitted within 20 days of becoming aware of the non-compliance which triggered the report. Such certified report shall be sent to the commissioner at the following address:

Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

- (5) Within 60 days after the deadline for submitting the report specified in Section 5A(f)(3) of this general permit, the permittee shall submit to the commissioner at the same address provided in Section 5A(f)(3) of this general permit, the following certification signed by a Professional Engineer licensed to practice in Connecticut, Licensed Environmental Professional, or a Certified Hazardous Materials Manager:

"I certify that in my professional judgment, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining information pursuant to Section 5 of the General Permit for the Discharge of Groundwater Remediation Wastewater that all discharge(s) which are maintained on the site referenced herein, and which are covered under the general permit comply with all conditions of said general permit, including but not limited to all effluent limits in Section 5A(b) of such general permit, and proper operation and maintenance of any systems installed to treat such discharge(s) will insure that all effluent limits and other conditions in such general permit are met, or if there is no treatment system for such discharge(s), that the discharge(s) will meet all effluent limits and conditions of such general permit without treatment. This certification is based in part on my review of analyses of a minimum of three effluent samples collected, preserved, handled and analyzed in accordance with 40 CFR 136, which samples were representative of the discharge during standard operating conditions, were taken in the previous year, at least one week apart, and were of the type(s) specified in Section 5A of said general permit, and were analyzed for the parameters specified in Section 5A of said general permit. I understand that a false statement made in this report, including all

attachments thereto, or in this certification 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 and any other applicable law.”

The above certification should not be construed as authorizing a Licensed Environmental Professional or a Certified Hazardous Materials Manager to certify compliance in areas that should only be handled by a licensed Professional Engineer including but not limited to design or modification of engineered wastewater treatment systems.

## **Section 5B. Permit Terms and Conditions Applicable for Discharges to a POTW**

### **(a) *Monitoring Requirements***

#### **(1) Chemical Monitoring Frequency**

Monitoring to verify compliance with the effluent limitations in Section 5B and Appendix B of this general permit and any Approval of Registration issued pursuant to Section 3 of this general permit shall be performed according to the following schedule:

- (A) For all discharges, except as specified in subsection (D) of this section, for each initiation of a discharge, the discharge shall be sampled on the first day of discharge and then every other day for the first week, weekly for the next month, and then as follows depending upon the maximum daily flow:

<b><i>Maximum Daily Flow</i></b>	<b><i>Effluent Monitoring Frequency</i></b>
< 5,000 gallons per day	quarterly
≥ 5,000 gallons per day	monthly

- (B) For each initiation or restart of a discharge after an exceedance of an effluent limitation, the discharge shall be sampled on the first day of discharge and then every other day for the first week, weekly for the next month, and then in accordance with the sampling schedule at the time the discharge was ceased.
- (C) For each restart of a discharge for any reason other than an exceedance of a parameter limit, the discharge shall be sampled on the first day of discharge and then in accordance with the sampling schedule at the time the discharge was ceased.
- (D) For intermittent discharges of groundwater remediation wastewaters generated from scheduled remediation activities, such as purging conducted prior to monitoring, conducted at sites with no other discharges of wastewater subject to this general permit, the following monitoring shall be required:

- (i) A minimum of one representative sample shall be collected and analyzed in accordance with Section 5B(d) of this general permit for each discharge.
- (ii) If multiple points are sampled independently, a volume-proportioned average of analytical results may be substituted for a single sample.
- (iii) Treatment and discharge shall be conducted as described in Section 5B(e) of this general permit.

**(b) *POTW Specific Requirements***

Any requirement specified in writing by the POTW Authority receiving authorized discharge(s) shall be considered requirement(s) of this general permit.

**(c) *Effluent Limitations***

- (1) The effluent limitations specified in Appendix B and/or this section of this general permit and/or specified in the Approval of Registration issued pursuant to Section 3 of this general permit, shall not be exceeded at any time as determined by a grab sample.
- (2) The maximum daily flow shall not exceed the maximum daily flow specified in the general permit registration.
- (3) The pH of the discharges shall not be less than 5.0 or greater than 10.0 standard units at any time.

**(d) *Additional Monitoring Requirements***

All discharges shall be monitored in accordance with the following:

- (1) The permittee shall monitor the discharge for any pollutant that in the screening analysis conducted pursuant to Section 5(a) of this general permit or any other analysis identifies the presence of such pollutant in the groundwater at levels above either the limitations specified in Appendix B or Section 5B(c) of this general permit or the limitations or conditions specified in an Approval of Registration issued pursuant to Section 3 of this general permit.
- (2) The permittee shall monitor the discharges for the presence of VOCs if the source of contamination includes VOCs, or any screening analysis conducted pursuant to Section 5(a) of this general permit indicates the presence of any VOCs at or above the minimum level, or a combined concentration of oxygenates exceeding 50 ug/l. Tentatively identified compounds (TIC) detected in the screening analysis required pursuant to Section 5(a) of this general permit shall be analyzed as target compounds if such compounds compose greater than 10% of the total pollutant load for VOCs, or if treatment technology is not proven to be as effective for the TICs detected as for target VOCs of concern.
- (3) The permittee shall monitor the discharges for total petroleum hydrocarbons if:

- (A) the results of any analysis of the discharges indicates that total petroleum hydrocarbons is present in the groundwater to be discharged above the limit identified in Appendix B of this general permit;
  - (B) oil or an oily sheen is visible in the water to be discharged; or
  - (C) the source of the contamination being remediated is petroleum oil.
- (4) All discharges generated during construction dewatering, except well point dewatering, shall be monitored for Total Suspended Solids, and Total Settleable Solids.
- (5) The permittee shall monitor the discharges for any metal if:
- (A) any analysis required per Section 5(a)(2) of this general permit indicates that metal is present in the groundwater at concentrations greater than the limit listed in Appendix B;
  - (B) the site has been historically or is presently used to dispose of or store that metal; or
  - (C) the permittee has reason to believe that concentrations of the metal in groundwater may exceed the limits in Appendix B, as a result of current or historic on-site activities.
- (6) The permittee shall periodically calibrate and perform maintenance on all monitoring and field equipment at intervals that will ensure the accuracy of measurements.
- (7) Monitoring for flow shall be performed according to the schedule in Section 5B(a)(1) of this general permit. All discharges of greater than 5000 gallons per day shall have flow monitoring equipment installed or implement techniques and devices capable of recording total daily flow. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. All other discharges shall implement flow-measuring procedures to adequately estimate flows.
- (8) Monitoring and reporting of radioactive liquid releases shall be performed in accordance with an approval of registration issued pursuant to Section 3(b)(1)(B)(vi) of this general permit *and* with the applicable 10 CFR 50.36a “Technical specifications on effluents from nuclear power reactors” plus 10 CFR 20 Appendix B “Standards for Protection Against Radiation” and 40 CFR 190, “Environmental Radiation Protection Standards For Nuclear Power Operations”. Annual monitoring reports shall be submitted to the Federal Nuclear Regulatory Commission and the Department’s Bureau of Air Management, Radiation Control Division.

(9) Monitoring Location

- (A) Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Samples shall be taken at the monitoring points identified pursuant to Section 4(c)(2)(N) of this general permit before the effluent joins or is diluted by any other waste stream, or substance.
- (B) For any site with more than one discharge point, individual samples shall be collected from each discharge. Samples shall be designated as DSN 201, DSN 202, etc.

(10) Sample Type

Samples taken for purposes of determining compliance with all effluent limitations and monitoring requirements listed in this general permit shall be grab samples.

(11) Test Methods

All sample analysis which are required by this general permit shall be conducted by a laboratory certified in accordance with the certification requirements specified in section 19-29a of the General Statutes. All samples shall be tested using the analytical methods found in 40 CFR §136, or alternative test methods approved by EPA in accordance with the procedures in 40 CFR §136 or using methods approved by the commissioner in an Approval of Registration issued pursuant to Section 3 of this general permit.

All analyses must be conducted using a sufficiently sensitive test method in accordance with 40 CFR §122.44(i)(1)(iv).

**(e) Treatment and Inspection Requirements**

- (1) The permittee shall treat the discharge for any pollutant that in the screening analysis conducted pursuant to Section 5(a) of this general permit or any other analysis identifies the presence of such pollutant in the groundwater at levels above either the limitations specified in Appendix B and/or Section 5B(c) of this general permit or the limitations specified in an Approval of Registration issued pursuant to Section 3 of this general permit or as directed in an Approval of Registration issued pursuant to Section 3 of this general permit.
- (2) Treatment systems implemented shall incorporate best management practices and accepted technologies for the reduction of all pollutants to below the levels specified in Appendix B and/or Section 5B(c) of this general permit and/or specified in the Approval of Registration issued pursuant to Section 3 of this general permit.
- (3) Treatment systems shall be inspected and maintained at regularly scheduled intervals as determined by manufacturer specifications, site specific conditions and best professional judgment. The permittee shall conduct routine inspections of all equipment associated with the discharges authorized by this general permit. Inspections shall be conducted as necessary to insure proper operation of all equipment. If the routine inspections are to be conducted at intervals of

greater than 7 days, an inspection schedule summarizing inspection protocols shall be included as an Attachment to the general permit registration required pursuant to Section 3 of this general permit, unless the site is a remote site as defined in Section 2 of this general permit with a maximum daily flow of under 14,400 gallons per day. Remote sites with maximum daily flows of less than 14,400 gallons per day shall be inspected as necessary to insure proper operation of all equipment, but at intervals of no more than 30 days.

A log shall be maintained on-site documenting the date of inspection, inspector's name, verification of operation of critical equipment, and a summary of any work or change in equipment associated with the discharges authorized by this general permit.

The discharge shall cease if the treatment system is not operating as necessary to maintain compliance with all effluent limitations.

***(f) Reporting and Record Keeping Requirements***

- (1) Beginning the effective date of the authorization to discharge, the permittee must record all monitoring data collected to comply with this general permit.
- (2) **For discharges lasting 90 days or more**, within 120 days after the effective date of the authorization to discharge, the operator shall begin reporting monitoring data electronically using NetDMR, unless, in accordance with Section 5B(f)(3) of this general permit, the operator is able to demonstrate on a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for submitting DMR's. DMR Reports are due no later than the last day of the month following the month in which samples are taken.
- (3) **NetDMR opt-out requests** must be submitted in writing to the Department for written approval at least 30 days prior to the date a site would be required under this general permit to begin using NetDMR. This demonstration shall be valid for 12 months from the date of the Department approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically via NetDMR unless the permittee submits a renewed opt-out request and such request is approved by the Department.
- (4) Except as otherwise specified in writing by the commissioner, each analytical result of a wastewater sample taken and all data generated by any other monitoring conducted under this general permit shall be retained at the subject site, or at the registrant's business office for at least five years from the date such result or data was generated or received by the permittee, whichever is later. The commissioner may specify a longer retention period as he reasonably deems necessary upon written notice to the permittee stating the reasons for such longer period. If during the retention period required by this subdivision the commissioner, under chapter 446k of the General Statutes, issues an order or commences a civil action against the permittee, such retention period shall be extended as necessary until such order or action is finally disposed of.
- (5) The permittee shall make any such result or data available to the commissioner upon request.

- (6) Within 14 days of termination of discharge, the permittee shall notify the Department of the date of termination of discharge on a form provided by the commissioner.
- (7) **For discharges lasting less than 90 days**, the results of all monitoring results shall be submitted with the notification of termination of discharge in accordance with Section 5B(f)(6) of this general permit.

**(g) *Duty to Correct, Record, and Report Violations***

- (1) Upon learning of a violation of a condition of this general permit, the permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results and prevent recurrence of such violation.
- (2) The permittee shall immediately notify:
  - (A) the local Water Pollution Control Authority and
  - (B) the Water Permitting and Enforcement Division of the Bureau of Materials Management and Compliance Assurance at 860-424-3025 during business hours 8:30 a.m. – 4:30 p.m.

of all discharges that could cause problems to the POTW, including but not limited to slug loadings of pollutants which may cause a violation of the POTW's NPDES permit, or which may inhibit or disrupt the POTW, its treatment processes or operations, or its sludge processes, use or disposal.

- (3) The permittee shall:
  - (A) notify the department of violation(s) that are more than twice the limits specified in Section 5B(c) of this permit within two hours of becoming aware of the violation(s) (or at the start of the next business day if this occurs outside normal business hours) and
  - (B) submit a written report that contains the following information within five days of becoming aware of the violation:
    - (i) the condition(s) or effluent limit(s) violated;
    - (ii) the analytical results and information demonstrating such violation(s);
    - (iii) the cause of the violation(s);
    - (iv) period of noncompliance including exact dates and times;
    - (v) if the noncompliance has not been corrected, the anticipated time it is expected to continue, and, upon correction, the date and time of correction;
    - (vi) steps taken and planned to reduce, eliminate and prevent a recurrence of the noncompliance, and the dates such steps are executed; and
    - (vii) the name and title of the person recording the information and the date and time of such recording.
- (4) In addition to the requirements described in section 22a-430-3(j)(11)(D) of the Regulations of Connecticut State Agencies, any other actual or anticipated



noncompliance with effluent limits or other terms and conditions of this general permit shall be recorded within twenty-four hours of becoming aware of such circumstances in a log which contains at least the following information:

- (A) the condition(s) or effluent limit(s) violated;
  - (B) the analytical results and information demonstrating such violation(s);
  - (C) the cause of the violation(s) or noncompliance;
  - (D) period of noncompliance including exact dates and times;
  - (E) if the noncompliance has not been corrected, the anticipated time it is expected to continue, and, upon correction, the date and time of correction;
  - (F) steps taken and planned to reduce, eliminate and prevent a recurrence of the noncompliance, and the dates such steps are executed; and
  - (G) the name and title of the person recording the information and the date and time of such recording.
- (5) The permittee shall submit a report to the commissioner prepared by a Professional Engineer licensed to practice in Connecticut, or a Licensed Environmental Professional, or a Certified Hazardous Materials Manager if analytical results, monitoring data or other information indicates any of the following:
- (A) the exceedance of any effluent limit by more than two hundred percent;
  - (B) three or more violations of any effluent limit from a single sample;
  - (C) three successive sampling events each of which show a violation of any effluent limit;
  - (D) the occurrence of four or more violations of any effluent limit during any calendar year;
  - (E) the violation of the pH limit by more than one standard unit

Such report shall contain at least the information required to be recorded under Section 5B(g)(2) of this general permit and must be submitted within 20 days of becoming aware of the non-compliance which triggered the report. Such certified report shall be sent to the commissioner at the following address:

Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

- (6) Within 60 days after the deadline for submitting the report specified in Section 5B(g)(4) of this general permit, the permittee shall submit to the commissioner at the same address provided in Section 5B(g)(4) of this general permit the following certification signed by a Professional Engineer licensed to practice in Connecticut, Licensed Environmental Professional, or a Certified Hazardous Materials Manager:

“I certify that in my professional judgment, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining information pursuant to Section 5 of the General Permit for the Discharge of Groundwater Remediation Wastewater that all discharge(s) which are maintained on the site referenced herein, and which are covered under the general permit comply with all conditions of said general permit, including but not limited to all effluent limits in Section 5B(c) of such general permit, and proper operation and maintenance of any systems installed to treat such discharge(s) will insure that all effluent limits and other conditions in such general permit are met, or if there is no treatment system for such discharge(s), that the discharge(s) will meet all effluent limits and conditions of such general permit without treatment. This certification is based in part on my review of analyses of a minimum of three effluent samples collected, preserved, handled and analyzed in accordance with 40 CFR 136, which samples were representative of the discharge during standard operating conditions, were taken in the previous year, at least one week apart, and were of the type(s) specified in Section 5B of said general permit, and were analyzed for the parameters specified in Section 5B of said general permit. I understand that a false statement made in this report, including all attachments thereto, or in this certification 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 and any other applicable law.”

The above certification should not be construed as authorizing a Licensed Environmental Professional or a Certified Hazardous Materials Manager to certify compliance in areas that should only be handled by a licensed Professional Engineer including but not limited to design or modification of engineered wastewater treatment systems.

- (7) The permittee shall also submit a copy of any report required under this subsection to the applicable Water Pollution Control Authority.

## **Section 5C. Permit Terms and Conditions – Discharges to Ground and Groundwater**

### ***(a) Separating distances to potable supply wells***

The following minimum separating distances between any point of a disposal system that accepts an authorized discharge and any potable water supply well shall be as specified in an approval of registration, or:

- (1) for wells yielding less than 10 gallons per minute, the minimum separating distance shall be 75 feet;
- (2) for wells yielding 10 or more gallons per minute but less than 50 gallons per minute, the minimum separating distance shall be 150 feet;
- (3) for wells yielding more than 50 gallons per minute, the minimum separating distance shall be 200 feet.

### ***(b) Well rehabilitation wastewaters***

The following requirements apply to any well rehabilitation activity that involves the injection or addition of any substance to a well.

- (1) Unless specifically approved in writing by the commissioner, the source of any water injected during well rehabilitation activities shall be from a potable supply.
- (2) Unless specifically approved in writing by the commissioner, well rehabilitation solutions shall be removed from the well within forty-eight (48) hours of being introduced into any well.
- (3) Unless specifically approved in writing by the commissioner, no substance(s) shall be used for well rehabilitation that are not identified in the registration submitted in accordance with Section 4 of this general permit.
- (4) All limitations, monitoring requirements, terms and conditions specified in the Approval of Registration required by Section 3(b)(1)(B) of this general permit shall be complied with or the discharge shall cease.

**(c) *Groundwater Remediation Recirculation Systems***

The following requirements apply to any discharge of treated groundwater remediation wastewater to groundwater.

- (1) Unless specifically approved in writing by the commissioner, the effluent limitations specified in Appendix A shall not be exceeded at any time as determined by a grab sample.
- (2) Unless specifically approved in writing by the commissioner, the discharger shall demonstrate that the groundwater recovery system is designed to capture all discharges injected under authorization of this general permit.
- (3) All limitations, monitoring requirements, terms and conditions specified in the Approval of Registration required by Section 3(b)(1)(B) of this general permit shall be complied with or the discharge shall cease.
- (4) If the discharge is directed to groundwater with a Water Quality Classification designated as Class GAA, or within an aquifer protection area, treatment shall at a minimum incorporate technologies certified by the NSF for the treatment of drinking water for the removal of the pollutants of concern, and be designed for the flows anticipated.

## **Section 6. General Conditions**

**(a) *Reliance on Registration***

In evaluating the permittee's registration, the commissioner has relied on information provided by the permittee. If such information proves to be false or incomplete, the permittee's authorization to discharge 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 Provide Information***

If the commissioner requests any information pertinent to the authorized discharge or to compliance with this general permit or with the permittees registration or approval of registration under this general permit, the permittee shall provide such information within 30 days of such request. Such information shall be filed in accordance with the “Certification of Documents” requirements prescribed in Section 6(c) of this general permit.

**(c) *Certification of Documents***

Any document, including but not limited to any notice, information or report, which is submitted to the commissioner under this general permit shall be signed by the permittee or by a duly authorized representative of the permittee in accordance with section 22a-430-3(b)(2)(A) 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 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) *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 thereafter.

**(e) *False Statements***

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with section 22a-6, under section 53a-157b of the General Statutes.

**(f) *Correction of Inaccuracies***

Within fifteen days after the date a permittee 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 permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be filed in accordance with the certification requirements prescribed in Section 6(c) of this general permit.

**(g) *Transfer of Authorization***

An authorization under this general permit is transferable only in accordance with the provisions of section 22a-60 of the General Statutes. Any person or municipality proposing to transfer an approval of registration shall submit a license transfer form

to the commissioner to transfer the previous permit authorization to a new registrant. The new registrant is not authorized by this general permit until the transfer is approved by the commissioner.

**(h) *Other Applicable Law***

Nothing in this general permit shall relieve the permittee 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.

**(i) *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 permittee 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 permittee'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 or the environment.

**(c) *Filing of an Individual Permit Application***

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

Issued Date: February 21, 2018

ROBERT E. KALISZEWSKI  
Deputy Commissioner

This is a true and accurate copy of the general permit executed on February 21, 2018 by the Department of Energy and Environmental Protection.

## Appendix A: DISCHARGES TO SURFACE WATERS

### Toxic, Hazardous and Other Pollutants and Their Maximum Concentrations

The Maximum Concentration For Each Pollutant or Pollutant Parameter, As Specified Below, Shall Not Be Exceeded:

(If the Minimum Level for a pollutant or pollutant parameter is higher than the stated limit for that pollutant or pollutant parameter, the limit shall be “ND <Minimum Level”.)

#### Volatile Organic Compounds

Combined Total of All Individual Compounds Shall Not Exceed 10 µg/l for all Discharges to Receiving Waters with a Water Quality Classification or Goal of A or SA

Combined Total of All Individual Compounds Shall Not Exceed 50 µg/l, **and** 1,1,2 Trichloroethane shall not exceed 42 µg/l for all Discharges to Receiving Waters with a Water Quality Classification or Goal of B or SB

MTBE Shall Not Exceed 70 µg/l

#### Total Petroleum Hydrocarbons

Total Petroleum Hydrocarbons Shall Not Exceed 5.0 mg/l

#### Solids

Total Suspended Solids Shall Not Exceed 30 mg/l

#### Phthalate Esters

Phthalate Ester	Maximum Concentration (µg/l)
Bis(2-ethylhexyl)phthalate	<b>Bis(2-ethylhexyl)phthalate 5.9 µg/l</b> <b>Combined Total of All Phthalates Shall</b> <b>Not Exceed 100 µg/l</b>
Benzyl butyl phthalate	
Di-n-butyl phthalate	
Diethyl phthalate	
Dimethyl phthalate	
Di-n-octyl phthalate	

## Base Neutral and Acid Extractables (BNA)

The Combined Total of All BNAs, Including Tentatively Identified Compounds, but Excluding Phenols\* and PAHs\* Shall Not Exceed 10.0 µg/l.

\* Excluded Compounds Referenced Below

In addition, the Maximum Concentration For Each Compound Specified Below Shall Not Be Exceeded:

BNA's (Excludes Phenol and PAHs)	Maximum Concentration (µg/l)
Benzidine	ND
3,3 dichlorobenzidine	ND
Hexachlorobenzene	ND

## Phenols

Phenol	Maximum Concentration (µg/l)
2-sec-Butyl-4, 6-dinitrophenol (DNBP)	<b>Combined Total of All Phenols Shall Not Exceed 5.0 µg/l</b>
4-Chloro-3-methylphenol	
2-Chlorophenol	
Cresols (methyl phenols)	
2-Cyclohexyl-4, 6-dinitrophenol	
2,4-Dichlorophenol	
2,6-Dichlorophenol	
2,4-Dimethylphenol	
2,4-Dinitrophenol	
2-Methyl-4, 6-dinitrophenol	
2-Nitrophenol	
4-Nitrophenol	
Pentachlorophenol	
Phenol	
Tetrachlorophenols	
Trichlorophenols	
2,4,6-Trichlorophenol	



## Polynuclear Aromatic Hydrocarbons (PAHs)

The Combined Total of All PAHs Shall Not Exceed 5.0 µg/l and the Maximum Concentration For Each Compound Specified Below Shall Not Be Exceeded:

PAH	Maximum Concentration (µg/l)
Acenaphthene	
Acenaphthylene	
Anthracene	
Benzo(a)anthracene	0.49 µg/l
Benzo(a)pyrene	0.49 µg/l
Benzo(b)fluoranthene	
Benzo(j)fluoranthene	
Benzo(k)fluoranthene	0.49 µg/l
Benzo(ghi)perylene	
Chrysene	
Dibenzo(a,h)acridine	
Dibenzo(a,j)acridine	
Dibenzo(a,h)anthracene	0.01 µg/l
H-Dibenzo(c,g)carbazole	
Dibenzo(a,e)pyrene	
Dibenzo(a,h)pyrene	
Dibenzo(a,i)pyrene	
Fluoranthene	
Fluorene	
Indeno(1,2,3-cd)pyrene	0.49 µg/l
3-Methylcholanthrene	
Naphthalene	
Phenanthrene	
Pyrene	

## Organochlorine Pesticides

(For any maximum concentration that is below the minimum level of the approved methodology, the maximum concentration shall be "ND < minimum level")

Pesticide	Maximum Concentration (µg/l)
Aldrin	ND
Alpha-BHC	ND
Beta-BHC	ND
Delta-BHC	ND
Gamma-BHC (Lindane)	ND
Chlordane (technical)	ND
4,4'-DDD	ND
4,4'-DDE	ND
4,4'-DDT	ND
Dieldrin	ND
Endosulfan I	ND
Endosulfan II	ND
Endosulfan sulfate	ND
Endrin	ND
Endrin aldehyde	ND
Heptachlor	ND
Heptachlor epoxide	ND

## Chlorinated Herbicides

Herbicide	Maximum Concentration (µg/l)
2,4,-D	<b>Combined Total of 2,4-D plus 2,4-DB Shall Not Exceed 50 µg/l</b>
2,4-DB	
2,4,5-T	ND
2,4,5-TP (Silvex)	ND
Dicamba	ND

## PCBs

PCB	Maximum Concentration (µg/l)
PCB-1016	<b>Combined Total of All PCBs Shall Not Exceed 0.1 µg/l and no individual compound shall exceed 0.00017 µg/l</b>
PCB-1221	
PCB-1232	
PCB-1242	
PCB-1248	
PCB-1254	
PCB-1260	
OTHER PCB's	

*If other PCBs have been used or stored on-site or there is reason to believe they may be present, analyze each compound (congener) in addition to the seven listed PCB mixtures.*

## Metals

Metals	Maximum Concentration (µg/l)	
	10 to 1 Dilution	100 to 1 Dilution
Arsenic	0.021 µg/l	0.021 µg/l
Beryllium	2.6 µg/l	24.8 µg/l
Cadmium	10.0 µg/l	95.9 µg/l
Chromium	342 µg/l	1000 µg/l
Copper	48 µg/l	480 µg/l
Lead	9.8 µg/l	93.6 µg/l
Hexavalent Chromium	79.4 µg/l	79.4 µg/l

Metals	Maximum Concentration (µg/l)	
	10 to 1 Dilution	100 to 1 Dilution
Mercury	ND	ND
Nickel	235 µg/l	1000 µg/l
Selenium	40 µg/l	390 µg/l
Silver	5.0 µg/l	48 µg/l
Zinc	322 µg/l	1000 µg/l

Dilution is calculated as the ratio 7Q10 flow of the receiving water and maximum daily flow of the discharge (7Q10 / maximum flow). Dilution in tidal waters shall be determined by the Department on a case by case basis.

## OTHER SUBSTANCES:

Pollutant	Maximum Concentration	
	10 to 1 Dilution	100 to 1 Dilution
Ammonia	1.5 mg/l	1.5 mg/l
Chlorine	0.09 mg/l	0.8 mg/l
Cyanide	43 µg/l	406 µg/l
Amenable Cyanide	43 µg/l	100 µg/l

## Radioactivity:

Except as authorized in an Approval of Registration issued pursuant to Section 3(b)(1)(B)(vi) of this general permit, the concentration of radon in the discharge shall not exceed naturally occurring background concentration.

Discharge of wastewater impacted by any other radiological sources, or from sites specified in Section 3(b)(1)(B)(vi) of this general permit shall be conducted as authorized by an Approval of Registration issued pursuant to Section 3(b)(1)(B)(vi) of this general permit *and* with the applicable 10 CFR 50.36a "Technical specifications on effluents from nuclear power reactors" plus 10 CFR 20 Appendix B "Standards for Protection Against Radiation" and 40 CFR 190, "Environmental Radiation Protection Standards For Nuclear Power Operations".

## Appendix B: DISCHARGES TO A POTW

### Toxic, Hazardous and Other Pollutants and Their Maximum Concentrations

The Maximum Concentration For Each Pollutant or Pollutant Parameter, As Specified Below, Shall Not Be Exceeded:

(If the Minimum Level for a pollutant or pollutant parameter is higher than the stated limit for that pollutant or pollutant parameter, the limit shall be "ND <Minimum Level".)

#### Volatile Organic Compounds

<b>Combined Total of Chlorinated Volatile Organic Compounds Shall Not Exceed 1.0 mg/l</b>
<b>Combined Total of All Volatile Organic Compounds Shall Not Exceed 5.0 mg/l</b>
<b>MTBE Shall Not Exceed 1.0 mg/l</b>

#### Total Petroleum Hydrocarbons

<b>Total Petroleum Hydrocarbons Shall Not Exceed 100 mg/l</b>
---

EPA Method 200.7 or other methods approved in accordance with 40 CFR 136 which are capable of achieving minimum levels below the levels established below

<b>Metals</b>	<b>Maximum Concentration (mg/l)</b>
Arsenic	0.1 mg/l
Barium	5.0 mg/l
Beryllium	2.0 mg/l
Boron	5.0 mg/l
Cadmium	0.1 mg/l
Chromium	1.0 mg/l
Hexavalent Chromium	0.1 mg/l
Cobalt	2.0 mg/l
Copper	1.0 mg/l
Lead	0.1 mg/l

<b>Metals</b>	<b>Maximum Concentration (mg/l)</b>
Magnesium	50 mg/l
Mercury	ND
Nickel	1.0 mg/l
Selenium	1.0 mg/l
Silver	0.1 mg/l
Thallium	1.0 mg/l
Tin	2.0 mg/l
Vanadium	1.0 mg/l
Zinc	1.0 mg/l

## Base Neutral and Acid Extractables (BNA)

**Combined Total of All BNAs Excluding Phenols and PAHs Shall Not Exceed 2.0 mg/l**

## Phenols

Phenol	Maximum Concentration (mg/l)
2-sec-Butyl-4,6-dinitrophenol (DNBP)	<b>Combined Total of All Phenols Shall Not Exceed 1.0 mg/l</b>
4-Chloro-3-methylphenol	
2-Chlorophenol	
Cresols(methyl phenols)	
2-Cyclohexyl-4,6-dinitrophenol	
2,4-Dichlorophenol	
2,6-Dichlorophenol	
2,4-Dimethylphenol	
2,4-Dinitrophenol	
2-Methyl-4,6-dinitrophenol	
2-Nitrophenol	
4-Nitrophenol	
Pentachlorophenol	
Phenol	
Tetrachlorophenols	
Trichlorophenols	
2,4,6-Trichlorophenol	

## Polynuclear Aromatic Hydrocarbons (PAHs)

**Combined Total of All Polynuclear Aromatic Hydrocarbons Shall Not Exceed 2.0 mg/l**

## Organochlorine Pesticides

Pesticide	Maximum Concentration (µg/l)
Aldrin	1.5 µg/l
Alpha-BHC	1.0 µg/l
Beta-BHC	1.0 µg/l
Delta-BHC	1.0 µg/l
Gamma-BHC (Lindane)	2.0 µg/l
Chlordane (technical)	20 µg/l
4,4'-DDD	0.2 µg/l
4,4'-DDE	0.2 µg/l
4,4'-DDT	0.2 µg/l
Dieldrin	10 µg/l
Endosulfan I	2.0 µg/l
Endosulfan II	2.0 µg/l
Endosulfan sulfate	2.0 µg/l
Endrin	1.0 µg/l
Endrin aldehyde	1.0 µg/l
Heptachlor	0.6 µg/l
Heptachlor epoxide	0.4 µg/l
Methoxychlor	360 µg/l
Toxaphene	10 µg/l

## Phthalate Esters

Phthalate Ester	Maximum Concentration (mg/l)
Benzyl butyl phthalate	<b>Combined Total of All Phthalates Shall Not Exceed 2.0 mg/l</b>
Bis(2-ethylhexyl)phthalate	
Di-n-butyl phthalate	
Diethyl phthalate	
Dimethyl phthalate	
Di-n-octyl phthalate	

## PCBs

PCB	Maximum Concentration (µg/l)
PCB-1016	<b>Combined Total of All PCBs Shall Not Exceed 1.0 µg/l</b>
PCB-1221	
PCB-1232	
PCB-1242	
PCB-1248	
PCB-1254	
PCB-1260	
OTHER PCB's	

*If other PCBs have been used or stored on-site or there is reason to believe they may be present, each compound must be analyzed for in addition to the seven listed PCBs.*



## Chlorinated Herbicides

Herbicide	Maximum Concentration (µg/l)
2,4,-D	<b>Combined Total of 2,4-D plus 2,4-DB Shall Not Exceed 700 µg/l</b>
2,4-DB	
2,4,5-T	10.0 µg/l
2,4,5-TP (Silvex)	10.0 µg/l
Dicamba	10.0 µg/l

## Cyanide: EPA Method 335.1; 335.2

Cyanide	Maximum Concentration (mg/l)
Total Cyanide	0.6 mg/l
Amenable Cyanide	0.1 mg/l



# **General Permit for Contaminated Soil and/or Sediment Management (Staging and Transfer)**

**Issuance Date: September 20, 2013**  
**Expiration Date: September 19, 2018**

# General Permit for Contaminated Soil and/or Sediment Management (Staging and Transfer)

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# General Permit for Contaminated Soil and/or Sediment Management (Staging and Transfer)

## Section 1. Authority

This general permit is issued under the authority of sections 22a-133z and 22a-208a of the Connecticut General Statutes.

## Section 2. Definitions

As used in this general permit:

*“Activity”* means the process of staging, temporarily storing, or transferring, contaminated soil and/or sediment at an authorized site (Staging, Transfer and/or Temporary Storage Area).

*“Approval of registration”* means an approval of registration issued under this general permit.

*“Aquifer Protection Area” (APA)* means aquifer protection area as defined in section 22a-354h of the General Statutes.

*“Authorized activity”* means any activity authorized by this general permit.

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

*“Contaminated soil and/or sediment”* means treated or untreated soil and/or sediment affected by a known or suspected release and determined, or reasonably expected to contain substances exceeding Residential Direct Exposure Criteria or GA Pollutant Mobility Criteria, as these terms are defined in section 22a-133k-1 of the Regulations of Connecticut State Agencies.

*“Day”* 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 thereafter.

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

*“Disposal”* means disposal as defined in section 22a-207(6) of the General Statutes.

*“Facility”* means transfer station as defined in section 22a-207(10) of the General Statutes.

*“Facility storage”* means the combined volume of all contaminated soil and/or sediment stored at the facility at any single point in time.

*“Facility throughput”* means the combined weight of all contaminated soil and/or sediment and incidental excavation waste introduced into or leaving the facility during a specified period of time.

*“Hazardous waste”* means hazardous waste as identified or listed as hazardous wastes in accordance with section 3001 of the Federal Resource Conservation Recovery Act of 1976 (42 USC section 6901) and section 22a-449(c)-101 of the Regulations of Connecticut State Agencies.

*“Incidental excavation waste”* means any material other than soil, sediment, or other material that does not meet the definition of clean fill as defined in section 22a-209-1 of the Regulations of Connecticut State Agencies generated during excavation activities.

*“Individual permit”* means a permit issued to a named permittee under section 22a-208a of the General Statutes.

*“Permittee”* means a person who is authorized by this general permit to stage, transfer, and temporarily store contaminated soil and/or sediment.

*“Person”* means person as defined by section 22a-2(c) of the General Statutes.

*“Registrant”* means a person who files a registration pursuant to Section 4 of this general permit.

*“Registration”* means a registration form filed with the commissioner pursuant to Section 4 of this general permit.

*“Release”* means release as defined in section 22a-133k-1(a) of the Regulations of Connecticut State Agencies.

*“Sediment”* means sediment as defined in section 22a-133k-1(a) of the Regulations of Connecticut State Agencies.

*“Site”* means geographically contiguous property on which an authorized activity takes place or on which an activity for which authorization is sought under this general permit is proposed to take place. Non-contiguous properties owned or leased by the same person and connected by a right-of-way, which such person controls, shall be deemed the same site.

*“Soil”* means soil as defined in section 22a-133k-1(a) of the Regulations of Connecticut State Agencies.

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

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

*“Staging” and/or “Storage”* means the holding of a solid waste not in transit for a temporary period of time, at the end of which the solid waste is recycled, disposed, or stored elsewhere.

### **Section 3. Authorization Under This General Permit**

#### **(a) *Eligible Activities***

Provided the requirements of subsection (b) of this section are satisfied, this general permit authorizes the staging, transfer, and temporary storage of contaminated soil and/or sediment for a period not to exceed two years. This general permit applies only to activities conducted on land.

Note: This general permit *does not* authorize the treatment (reduction of contaminants via physical removal, dilution, chemical stabilization, etc.) of or any specific reuse of contaminated soil and/or sediment.

#### **(b) *Requirements for Authorization***

This general permit authorizes the activities listed in subsection (a) of this section provided:

##### **(1) Registration**

- (A) Except as provided in Sections 4(a)(1) and 4(a)(3) of this general permit, a completed registration with respect to such activity has been filed with the commissioner.
- (B) Except as provided in Sections 4(a)(1) and 4(a)(2) of this general permit, a completed registration with respect to such activity has been filed with the commissioner and the commissioner has issued an approval of registration with respect to such activity.

##### **(2) Coastal Area Management**

Such activity is consistent with all applicable goals and policies in section 22a-92 of the General Statutes and will not cause adverse impacts to coastal resources as defined in section 22a-93 of the General Statutes.

##### **(3) Endangered and Threatened Species**

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

##### **(4) Aquifer Protection**

Such activity shall not be conducted within an Aquifer Protection Area except for the staging and/or temporary storage of less than 10,000 cubic yards of contaminated soil and/or sediment at the site of origin (see Section 4(a)(2) of this general permit for additional registration requirements that apply in such instances).

(5) Stream Channel Encroachment

Such activity shall not create an obstruction or hindrance riverward of Stream Channel Encroachment Lines that will have an adverse effect on the flood heights, flood carrying and water capacity of the waterways and floodplains.

(6) Flood Management

Such activity shall be consistent with all applicable standards and criteria established in sections 25-68d(b) of the General Statutes and sections 25-68h-1 through 25-68h-3, inclusive, of the Regulations of Connecticut State Agencies.

(c) ***Geographic Area***

This general permit applies throughout the State of Connecticut.

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

This general permit is effective on the date it is issued by the commissioner and expires five (5) years from such date of issuance.

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

- (1) For an ***activity that is exempt from the requirement to file a registration as specified in Section 4(a)(1) of this general permit***, such activity is authorized by this general permit on the date the general permit becomes effective *or* on the date the staging, transfer and temporary storage activities commence, *whichever is later* and expires two years from such date *or* on the date this general permit expires, *whichever is sooner*.
- (2) For an ***activity that is required to file a registration as specified in Section 4(a)(2) of this general permit***, such activity is authorized by this general permit on the date the commissioner receives a completed registration with respect to such activity and expires two years from the date the staging, transfer and temporary storage activities commence *or* on the date this general permit expires, *whichever is sooner*.
- (3) For an ***activity that is required to file a registration and obtain an approval of registration as specified in Section 4(a)(3) of this general permit***, such activity is authorized by this general permit on the date the commissioner issues an approval of registration with respect to such activity and expires two years from the date the staging, transfer and temporary storage activities commence *or* on the date this general permit expires, *whichever is sooner*.

(f) ***Revocation of an Individual Permit***

If an activity meets the requirements of authorization of this general permit and such activity is presently authorized by an individual permit, the existing individual permit may be revoked by the commissioner upon a written request by the permittee. If the commissioner revokes such individual permit in writing, such revocation shall take effect on the effective date of authorization of such activity by this general permit.



(g) ***Issuance of an Individual Permit***

If after the commissioner approves a registration under this general permit, the commissioner issues an individual permit authorizing the same activity authorized by such general permit approval, such general permit approval shall become null and void on the date such individual permit is issued.

#### **Section 4. Registration Requirements**

(a) ***Registration Requirements for Contaminated Soil and/or Sediment Staging, Transfer, and Temporary Storage Areas***

All activities authorized under this general permit must be conducted ***in less than two years***. If an activity requiring a registration as listed below is anticipated to exceed the two year time period, such activity must have its registration renewed.

(1) **Who Does NOT Need to File a Registration**

Any person who stages and/or temporarily stores **greater than 10 cubic yards but less than 1,000 cubic yards** of contaminated soil and/or sediment **at the site of excavation**, does not need to file a registration with the commissioner provided such activities are conducted in accordance with the operating conditions of Sections 5(a) and 5(b) *and* all other applicable conditions of this general permit.

Note: If such an activity is located in an Aquifer Protection Area, the local municipal Aquifer Protection Agency shall be notified in writing of such activity.

(2) **Who Must File a Registration**

(A) Any person seeking authorization under this general permit to conduct the following activities in an area that ***is not located*** in an Aquifer Protection Area, shall file with the commissioner, 1) a registration form which meets the requirements of Section 4 of this general permit and 2) the applicable fee.

- Stage and/or temporarily store **greater than or equal to 1,000 cubic yards and less than or equal to 10,000 cubic yards at any one time** of contaminated soil and/or sediment **at the site of excavation for a period exceeding 45 days in duration**.
- Transfer, stage, and/or temporarily store **greater than 10 cubic yards and less than or equal to 10,000 cubic yards at any one time** of contaminated soil and/or sediment **at a site other than the site of excavation** from which the soil and/or sediment originated.

(B) Any person seeking authorization under this general permit to stage and/or temporarily store **greater than 1,000 cubic yards and less than or equal to 10,000 cubic yards at any one time** of contaminated soil and/or sediment **at the site of excavation for a period exceeding 45 days in**

**duration**, and which subject site *is located* in an Aquifer Protection Area, shall file with the commissioner, 1) a registration form which meets the requirements of Section 4 of this general permit and 2) the applicable fee. Such person shall also notify in writing, the local municipal Aquifer Protection Agency.

(3) Who Must Obtain an Approval of Registration

Any person seeking authorization under this general permit to conduct the following activities in an area that *is not located* in an Aquifer Protection Area, shall file with the commissioner, 1) a registration form which meets the requirements of Section 4 of this general permit and 2) the applicable fee *and* shall obtain an approval of registration by the commissioner.

- Stage and/or temporarily store **greater than 10,000 cubic yards at any one time** of contaminated soil and/or sediment **at the site of excavation for a period exceeding 45 days in duration**.
- Transfer, stage, and/or temporarily store **greater than 10,000 cubic yards at any one time** of contaminated soil and/or sediment at a site other than the site of excavation from which the soil and/or sediment originated.

(4) Summary of Registration Requirements

Location	Facility Storage	Activity	Required Action
*On Site	Greater than 10 cy but less than 1,000 cy	Staging and/or storage	Comply with General Permit. No Registration.
*On Site	Greater than 1,000 cy but less than 10,000 cy	Staging and/or storage	Comply with General Permit and File a Registration.
On Site; not in an APA	Greater than 10,000 cy	Staging and/or storage	Comply with General Permit and Obtain an Approval of Registration.
Off Site; not in an APA	Greater than 10 cy but less than 10,000 cy	Transfer, staging, and/or storage	Comply with General Permit and File a Registration.
Off Site; not in an APA	Greater than 10,000 cy	Transfer, staging, and/or storage	Comply with General Permit and Obtain an Approval of Registration.

***\* If the activity will be located in an Aquifer Protection Area (APA), the local municipal Aquifer Protection Agency must be notified in writing.***

(b) ***Scope of Registration***

Any person shall register each activity, by site, for which such person seeks authorization under this general permit on a separate registration form that meets the requirements of Section 4 of this general permit.

(c) ***Contents of Registration***

(1) **Registration Fees**

- (A) A fee shall be submitted along with a registration form for any registration. A registration shall not be deemed complete and no activity shall be authorized by this general permit unless the fee has been paid in full.
  - (i) All activities requiring a **registration** pursuant to Section 4(a)(2) of this general permit: **\$250.00**
  - (ii) All activities requiring a **renewal of registration** pursuant to Section 4(a)(2) of this general permit: **\$250.00**
  - (iii) All activities requiring an **approval of registration** pursuant to Section 4(a)(3) of this general permit: **\$1,500.00**
  - (iv) All activities requiring a **renewal of an approval of registration** pursuant to Section 4(a)(3) of this general permit: **\$750.00**

**Note:** In accordance with section 22a-6(b) of the General Statutes, the fee for municipalities is fifty percent (50%) of the fee listed above.

- (B) The registration fee shall be paid by check or money order payable to the **Department of Energy and Environmental Protection**.
- (C) The registration fees are non-refundable.

(2) **Registration Form**

A registration shall be filed on a form prescribed and provided by the commissioner and shall include the following:

- (A) Legal name, address, and telephone number of the registrant. If the registrant 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, and telephone number of the owner of the property on which the subject activity is to occur.
- (C) Legal name, address, and telephone number of the registrant's attorney or other representative, if applicable.
- (D) Legal name, address, and telephone number of any consultant(s) or engineer(s) retained by the registrant to prepare the registration.
- (E) Location of the site with respect to which the registration is submitted.

- (F) Anticipated date of commencement of the subject contaminated soil and/or sediment staging, transfer, and temporary storage activities.
- (G) An 8 1/2" by 11" copy of the relevant portion or a full-sized original of a United States Geological Survey (USGS) quadrangle map, with a scale of 1:24,000, showing the exact location of the site and the area within a one-mile radius of the site. Identify the quadrangle name and number on such copy.
- (H) A registration requiring an approval, pursuant to Section 4(a)(3) of this general permit, must also include the following plans and documents, prepared in accordance with Section 4(c)(3) of this general permit:
  - (i) a Facility Site Plan,
  - (ii) a Facility Description,
  - (iii) a Facility Operations and Management Plan.
- (I) A renewal of registration must provide the following additional information: status of the project, an explanation of why the project needs a renewal of registration, and the anticipated remaining duration of the activities being conducted.
- (J) The signature of the registrant and of the individual or individuals responsible for actually preparing the registration, 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. I certify that this general permit registration is complete and accurate on forms as prescribed by the commissioner without alteration of their text.”

(3) **Required Plans and Documents for Registrations Requiring an Approval**

The following plans and documents shall be prepared and submitted to the department by those registrants **requiring an approval** issued by the commissioner pursuant to Section 4(a)(3) of this general permit. Such plans and documents shall be prepared in accordance with the following, be available at the site of the subject facility and be maintained for review upon request by the Department.

(A) Facility Site Plan

The facility site plan shall provide a clear and detailed presentation of all topographical and man-made features at the subject facility site. The facility site plan shall also include a drawing showing the layout of the facility. The map or drawing(s) must, at a minimum show the following:

- (i) map scale (scale must be at least 1 in. = 100 ft.);
- (ii) map date;
- (iii) a meridian arrow showing north;
- (iv) contour sufficient to show surface water flow;
- (v) property boundaries of the site.

(B) Facility Description

The facility description must include a detailed description of the facility including the nature and purpose of the excavation activities from which the contaminated soil will originate.

(C) Facility Operations and Management (O&M) Plan

The Facility Operation and Management Plan shall include at a minimum: a Soil Management Plan (that describes how the facility will track, sample, and maintain adequate separation between individual stockpiles of soil during characterization procedures), an Emergency and Preparedness Plan, and a description of the inspection and maintenance procedures for the subject Staging, Transfer, and/or Temporary Storage Area.

(4) **Revision of Required Plans and Documents for Registrations Requiring an Approval**

Whenever any significant or substantial facility or operational change is planned, the permittee shall update the Facility Site Plan, the Facility Description, and the Facility Operation and Management Plan as applicable for the subject facility. Such plans and documents shall be updated prior to making such changes to the facility and shall be submitted to the commissioner for the commissioner's review. The updated plans and documents shall be available at the site of the subject facility and shall be maintained for review upon request by the Department.

For the purpose of this subsection, ‘significant or substantial’ means any change to the facility that results in a new soil management configuration (i.e. the addition of new storage cells or pile staging areas) or results in a need for the maintenance of additional soil tracking information on the facility operational log.

**(d) *Where to File a Registration and Other Related Documents***

- (1) A registration shall be filed with the commissioner at the following address:

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

- (2) In addition to filing a registration with the commissioner, the registrant shall provide at the same time written notification to the chief elected official of the municipality and, if applicable pursuant to Section 4(a)(2)(B) of this general permit, to the municipal Aquifer Protection Agency, in which the subject facility is or will be located.

**(e) *Additional Information***

The commissioner may require a registrant 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.

**(f) *Action by Commissioner***

- (1) The commissioner may reject without prejudice a registration if the commissioner determines 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 registrant submit additional information or the required fee and the registrant has not submitted such information or fee. Any registration 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 registration if the commissioner finds 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 registration under this subsection shall constitute notice to the registrant that the subject activity may not lawfully be conducted or maintained without the issuance of an individual permit.
- (4) The commissioner may approve a registration with reasonable conditions. If the commissioner approves a registration with conditions, the permittee shall be bound by such conditions as if they were a part of this general permit.
- (5) Rejection, disapproval, or approval of a registration shall be in writing.

## **Section 5. Conditions of This General Permit**

The permittee shall at all times continue to meet the requirements for authorization set forth in Section 3 of this general permit. In addition, the permittee shall ensure that activities authorized by this general permit are conducted in accordance with the following general conditions of Section 5(a) and the applicable specific conditions of Sections 5(b) and 5(c) of this general permit.

### **(a) General Operating Conditions for Staging, Transfer, and/or Temporary Storage Areas**

- (1) The permittee shall design, operate, maintain and repair the Staging, Transfer, and/or Temporary Storage Area in conformance with the requirements of this general permit.
- (2) The permittee shall maintain a communications system capable of summoning fire, police, and/or other emergency service personnel.
- (3) Unless exempt from the requirement to file a registration as specified in Section 4(a)(1) of this general permit, the permittee shall post and maintain a sign that is visible from a distance of at least 25 feet at the Staging, Transfer, and/or Temporary Storage Area entrance identifying, at the minimum, the name of the permittee, a contact phone number, the hours of operation, and the phrase 'Temporary Soil Staging Area'.
- (4) The permittee shall take appropriate measures to prevent unauthorized entry onto the stockpiles. Appropriate control measures may be accomplished through the use of fences, gates, or other natural or artificial barriers.
- (5) The permittee shall operate the Staging, Transfer, and/or Temporary Storage Area such that the receipt, unloading and processing, if applicable, of contaminated soil and/or sediment does not occur for periods longer than that which is consistent with the local zoning requirements, if applicable, of the municipality where the activity is occurring.
- (6) During all periods of operation of the Staging, Transfer, and/or Temporary Storage Area, the permittee shall have sufficient personnel on site to inspect contaminated soil and/or sediment for the presence of incidental excavation wastes and materials and for any suspect contaminated soil and/or sediment that may contain hazardous wastes. The permittee shall comply with the following management standards regarding wastes:

#### **(A) Allowed Wastes and Materials**

This general permit authorizes only the management of contaminated soil and/or sediment, in the Staging, Transfer, and/or Temporary Storage Area.

(B) **Non Authorized Wastes and Materials**

This general permit does not authorize the management of materials or wastes other than contaminated soil and/or sediment. Management of contaminated soil and/or sediment that either contains or is considered to be hazardous waste is not authorized by this general permit.

(C) **Non Authorized Activities**

This general permit does not authorize the treatment (including but not limited to blending and/or mixing) of soil or sediment for the expressed purpose of diluting contaminants.

(D) **Incidental Excavation Waste**

Incidental excavation waste shall be: (1) separated to the satisfaction of the receiving facility or to an extent that renders the contaminated soil and/or sediment suitable for its intended reuse; (2) isolated and temporarily stored in a safe manner prior to off-site transport; and (3) disposed at a facility lawfully authorized to accept such waste. The maximum amount of incidental excavation waste stored at the Staging, Transfer, and/or Temporary Storage Area shall be as follows:

- (i) **Less than or equal to 10,000 cubic yards of contaminated soil and/or sediment** - No more than 100 cubic yards of incidental excavation waste shall be stored at any one time.
- (ii) **Greater than 10,000 cubic yards of contaminated soil and/or sediment** - No more than 1,000 cubic yards of incidental excavation waste shall be stored at any one time.

(E) **Hazardous Waste**

Hazardous waste inadvertently received at the Facility shall be: (1) promptly sorted, separated, and isolated; (2) recorded in the Site Operating Log required by Section 5(c)(1) of this general permit; and (3) managed in accordance with the conditions contained within section 22a-449(c)-100 through 119 of the Regulations of Connecticut State Agencies (Hazardous Waste Management Regulations).

- (7) The permittee shall at all times take reasonable precautions to control fugitive dust emissions and odors in accordance with section 22a-174-18 and section 22a-174-23, respectively of the Regulations of Connecticut State Agencies.

(b) ***Specific Operating Conditions for Staging, Transfer, and/or Temporary Storage Areas***

- (1) **Erosion Controls.** The permittee shall place the soil stockpiles on a surface sufficiently impervious to prevent or minimize the transfer or infiltration of contaminants from the soil stockpiles to the ground and shall also securely cover any stockpiles of soil when the Staging, Transfer and/or Temporary Storage Area is not in use with an impervious material such as a tarp or other



equivalent material to control and minimize storm water run-on and run-off. Soil stockpiles shall be covered at the end of each operating day or at any time that the Staging, Transfer and/or Temporary Storage Area is unattended by the permittee. Run-on/run-off controls shall be consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.

- (2) **Dust Controls.** The permittee shall minimize wind erosion and dust transport from the stockpiles and the travel areas of the Staging, Transfer and/or Temporary Storage Area by ensuring that all necessary dust controls (tarps, dust suppressants, routine street sweeping, etc.) are implemented and maintained at all times during periods of operation.
- (3) **Anti-Tracking.** The permittee shall employ anti-tracking measures (street sweepers, anti-tracking pads, etc.) at the Staging, Transfer and/or Temporary Storage Area to ensure that vehicles that have entered the Staging, Transfer and/or Temporary Storage Area do not track soils from the Staging, Transfer and/or Temporary Storage Area onto a public roadway at any time. Construction entrance anti-tracking pads shall be constructed in a manner that is consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.
- (4) **Characterization.** The permittee shall characterize each soil stockpile staged at the Staging, Transfer and/or Temporary Storage Area prior to transporting such stockpile for soil reuse or disposal. The permittee shall analyze soil obtained from representative samples collected from the media such that the permittee can reasonably determine whether such media does or does not exceed any applicable analytical performance standard (such as the Remediation Standard Regulations or a receiving facility's acceptance criteria). The permittee shall ensure that physical separation is maintained between previously sampled soil stockpiles (by means of concrete walls, aisle space, etc.) while awaiting the results of soil sample analyses. The permittee shall ensure that an independent laboratory certified by the Connecticut Department of Public Health for chemical testing performs the soil sample analyses used to characterize the soil.
- (5) **Storage Cell/Pile Capacity and Placement.** Unless otherwise approved in writing by the commissioner as part of a site specific soil management plan, the permittee shall ensure that individual contaminated soil and/or sediment storage piles do not exceed a volume of 1,000 cubic yards and are maintained with a minimum distance of 12 feet from any property line (unless the stockpiles are staged at the site of excavation).
- (6) **Transporter Practices.** The permittee shall instruct the transporters of contaminated soil and/or sediment of best management practices for the transportation of such soil (proper tarping of hauling dump bodies, removing loose material from dump body, etc.).
- (7) **Queuing and Idling of Transport Vehicles.** The permittee shall: (a) control all traffic related to the operation of the facility in such a way as to mitigate the queuing of vehicles off-site and excessive or unsafe traffic impact in the area

where the facility is located; and (b) ensure that except as allowed in section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies, trucks are not left idling for more than three (3) consecutive minutes.

**(c) Record Keeping Requirements**

- (1) **Site Operating Log.** Unless exempt from the requirement to file a registration as specified in Section 4(a)(1) of this general permit, the permittee shall maintain a Site Operating Log for the duration of the authorized activities. The Site Operating Log shall include up-to-date records that clearly identify the origin of each soil stockpile placed at the Staging, Transfer and/or Temporary Storage Area; indicate the date such soils are received at the Staging, Transfer and/or Temporary Storage Area; list the specific Staging, Transfer and/or Temporary Storage Area storage cell, if applicable; indicate the date such soils are transported from the Staging, Transfer and/or Temporary Storage Area; and, indicate the final disposition (i.e. transportation to a soil processing facility or placement on the land) of such soils.
- (2) **Records Retention.** Unless exempt from the requirement to file a registration as specified in Section 4(a)(1) of this general permit, the permittee shall maintain an up-to-date record of its operating activities during the entire operational period of the Staging, Transfer and/or Temporary Storage Area. At a minimum, the operating record shall include:
  - (A) Any initial site characterization data and information and a summary of the Contaminants of Concern (COCs) identified;
  - (B) The location of excavation activities where soils were generated and subsequently transported to the Staging, Transfer and/or Temporary Storage Area for additional sampling and characterization;
  - (C) An accounting of the total facility throughput including the quantity of soil (expressed in tons or cubic yards) shipped to and stored at the Staging, Transfer and/or Temporary Storage Area during sampling and characterization procedures;
  - (D) A statement describing each of the soil reuse, or disposal sites (facility name, location, and address) utilized and an accounting of the quantity of soil (expressed in tons or cubic yards) shipped to each;
  - (E) Certifications, site maps, the site operating log, and either a complete set of the soil sampling test results or a complete set of soil sampling summary tables, and;
  - (F) Any other data or documents required by this authorization.

The permittee shall retain the operating record at its place of business for a period of at least three years following the expiration of this permit and shall make such records available for review by the commissioner or the commissioner's designee upon request.

## **Section 6. General Conditions**

### **(a) *Reliance on Registration***

When evaluating a registration, the commissioner relies on information provided by the registrant. 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, the permittee 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 such violation and such corrective action to the commissioner within five (5) days of the permittee's learning of such violation. Such report shall be certified in accordance with Section 6(d) 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, the permittee 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, as applicable, by the registrant or the permittee 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.

### **(f) *False Statements***

Any false statement in any information submitted pursuant to this general permit 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.

**(g) *Correction of Inaccuracies***

Within fifteen (15) days after the date a permittee becomes aware of a change in any of the information submitted pursuant to this general permit, becomes aware that any such information is inaccurate or misleading, or that any relevant information has been omitted, such permittee 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 approval of registration is pending and after the commissioner has approved such request.

**(h) *Transfer of Authorization***

A registration or an approval of registration 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 permittee 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 permittee 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 permittee'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 or the environment.

**(c) *Filing of an Individual Permit Application***

If the commissioner notifies a permittee in writing that such permittee must obtain an individual permit to continue lawfully conducting the activity authorized by this general permit, the permittee may continue conducting such activity only if the permittee files an application for an individual permit within thirty (30) days of receiving the commissioner's notice. While such application is pending before the commissioner, the permittee shall comply with the terms and conditions of this general permit and the subject approval of registration. Nothing herein shall affect the commissioner's power to revoke a permittee's authorization under this general permit at any time.

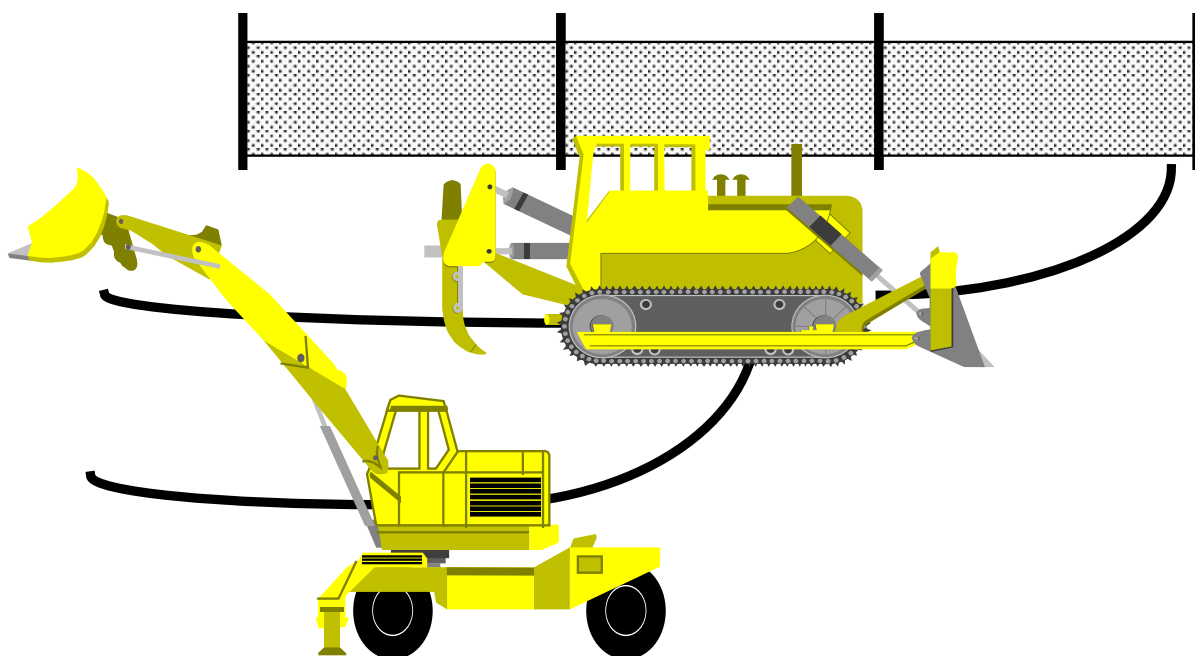
Issued Date: September 20, 2013

Macky McCleary  
Deputy Commissioner

This is a true and accurate copy of the general permit executed on September 20, 2013 by the Department of Energy and Environmental Protection



# **General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities**



**Effective Date: October 1, 2018**

Printed on recycled paper

# General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities

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# **General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities**

## **Section 1. Authority**

This general permit is issued under the authority of section 22a-430b of the Connecticut General Statutes.

## **Section 2. Definitions**

The definitions of terms used in this general permit shall be the same as the definitions contained in section 22a-423 of the Connecticut General Statutes and section 22a-430-3(a) of the Regulations of Connecticut State Agencies. As used in this general permit, the following definitions shall apply:

*“x-year, 24-hour rainfall event”* means the maximum 24-hour precipitation event with a probable recurrence interval of once in the given number of years (i.e. x=2, 25 or 100), as defined by the National Weather Service in Technical Paper Number 40, “Rainfall Frequency Atlas of the United States,” May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.

*“Annual sediment load”* means the total amount of sediment carried by stormwater runoff on an annualized basis.

*“Aquifer protection area”* means aquifer protection area as defined in section 22a-354h of the Connecticut General Statutes.

*“Best engineering practices”* means the design of engineered control measures to control pollution to the maximum extent achievable using measures that are technologically available and economically practicable.

*“CFR”* means the Code of Federal Regulations.

*“Coastal area”* means coastal area as defined in section 22a-93(3) of the Connecticut General Statutes.

*“Coastal waters”* means coastal waters as defined in section 22a-93(5) of the Connecticut General Statutes.

*“Commissioner”* means commissioner as defined in section 22a-2(b) of the Connecticut General Statutes.

*“Construction activity”* means any activity associated with construction at a site including, but not limited to, clearing and grubbing, grading, excavation, and dewatering.

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

*“Developer”* means a person who or municipality which is responsible, either solely or partially through contract, for the design and construction of a project site.

*“Dewatering wastewater”* means wastewater associated with the construction activity generated from the lowering of the groundwater table, the pumping of accumulated stormwater or uncontaminated groundwater from an excavation, the pumping of surface water from a cofferdam, or pumping of other surface water that has been diverted into a construction site.

*“District”* means a soil and water conservation district established pursuant to section 22a-315 of the Connecticut General Statutes. Appendix E lists the Districts, their geographic delineations, and contact information.

*“Disturbance”* means the execution of any of the construction activity(ies) defined in this general permit.

*“Effective Impervious Cover”* is the total area of a site with a Rational Method runoff coefficient of 0.7 or greater (or other equivalent methodology) from which stormwater discharges directly to a surface water or to a storm sewer system.

*“Engineered stormwater management system”* means any control measure and related appurtenances which requires engineering analysis and/or design by a professional engineer.

*“Erosion”* means the detachment and movement of soil or rock fragments by water, wind, ice and gravity.

*“Fresh-tidal wetland”* means a tidal wetland with an average salinity level of less than 0.5 parts per thousand.

*“Grab sample”* means an individual sample collected in less than fifteen minutes.

*“Groundwater”* means those waters of the state that naturally exist or flow below the surface of the ground.

*“Guidelines”* means the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, established pursuant to section 22a-328 of the Connecticut General Statutes.

*“High Quality Waters”* means those waters defined as high quality waters in the Connecticut Water Quality Standards published by the Department, as may be amended.

*“Impaired water(s)”* means those surface waters of the state designated by the commissioner as impaired pursuant to Section 303(d) of the Clean Water Act and as identified in the most recent State of Connecticut Integrated Water Quality Report.

*“In Responsible charge”* means professional experience for which the Commissioner determines that a professional’s primary duties consistently involve a high level of responsibility and decision making in the planning and designing of engineered stormwater management systems or in the planning and designing of soil erosion and sediment controls for residential and commercial construction projects. The Commissioner shall consider the following in determining whether a professional’s experience qualifies as responsible charge experience:

- (i) the level of independent decision-making exercised;
- (ii) the number of individuals and the disciplines of the other professionals that the professional supervised or coordinated;
- (iii) the extent to which a professional’s responsibilities consistently involved the review of work performed by other professionals involved the planning and designing of engineered stormwater management systems or the planning and designing of soil erosion and sediment controls for residential and commercial construction projects;
- (iv) the extent to which a professional’s responsibilities consistently involved the planning and designing of engineered stormwater management systems or the planning and designing of soil erosion and sediment controls for residential and commercial construction projects and whether such responsibilities were an integral and substantial component of the professional’s position;
- (v) the nature of a professional’s employer’s primary business interests and the relation of those interests to planning and designing of engineered stormwater management systems or to planning and designing of soil erosion and sediment controls for residential and commercial construction projects;

- (vi) the extent to which a professional has engaged in the evaluation and selection of scientific or technical methodologies for planning and designing of engineered stormwater management systems or for planning and designing of soil erosion and sediment controls for residential and commercial construction projects;
- (vii) the extent to which a professional drew technical conclusions, made recommendations, and issued opinions based on the results of planning and designing of engineered stormwater management systems or of planning and designing of soil erosion and sediment controls for residential and commercial construction projects; or
- (viii) any other factor that the Commissioner deems relevant.

“*Individual permit*” means a permit issued to a specific permittee under section 22a-430 of the Connecticut General Statutes.

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

“*Landscape Architect*” means a person with a currently effective license issued in accordance with chapter 396 of the Connecticut General Statutes.

“*Linear Project*” includes the construction of roads, railways, bridges, bikeways, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

“*Locally approvable project*” means a construction activity for which the registration is not for a municipal, state or federal project and is required to obtain municipal approval for the project.

“*Locally exempt project*” means a construction activity for which the registration is for a project authorized under municipal, state or federal authority and may not be required to obtain municipal approval for the project.

“*Low Impact Development*” or “*LID*” means a site design strategy that maintains, mimics or replicates pre-development hydrology through the use of numerous site design principles and small-scale treatment practices distributed throughout a site to manage runoff volume and water quality at the source.

“*Minimize*”, for purposes of implementing the control measures in Section 5(b)(2) of this general permit, means to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice.

“*Municipal separate storm sewer system*” or “*MS4*” means conveyances for stormwater (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) owned or operated by any municipality and discharging to surface waters of the state.

“*Municipality*” means a city, town or borough of the state as defined in section 22a-423 of the Connecticut General Statutes.

“*Nephelometric Turbidity Unit*” or “*NTU*” means a unit measure of turbidity from a calibrated nephelometer.

“*Normal Working Hours*”, for the purposes of monitoring under Section 5(c) of this general permit, are considered to be, at a minimum, Monday through Friday, between the hours of 8:00 am and 6:00 pm, unless additional working hours are specified by the permittee.

“*Permittee*” means any person who or municipality which initiates, creates or maintains a discharge in accordance with Section 3 of this general permit.

“*Person*” means person as defined in section 22a-423 of the Connecticut General Statutes.

“*Phase*” means a portion of a project possessing a distinct and complete set of activities that have a specific functional goal wherein the work to be completed in the phase is not dependent upon the execution of work in a later phase in order to make it functional.

“*Point Source*” means any discernible, confined and discrete stormwater conveyance (including but not limited to, any pipe, ditch, channel, tunnel, conduit, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft) from which pollutants are or may be discharged.

“*Professional Engineer*” or “*P.E.*” means a person with a currently effective license issued in accordance with chapter 391 of the Connecticut General Statutes.

“*Qualified Inspector*” means an individual possessing either (1) a professional license or certification by a professional organization recognized by the commissioner related to agronomy, civil engineering, landscape architecture, soil science, and two years of demonstrable and focused experience in erosion and sediment control plan reading, installation, inspection and/or report writing for residential and commercial construction projects in accordance with the Guidelines; or (2) five years of demonstrable and focused experience in erosion and sediment control plan reading, installation, inspection and/or report writing for residential and commercial construction projects in accordance with the Guidelines; or (3) certification by the Connecticut Department of Transportation (DOT).

“*Qualified professional engineer*” means a professional engineer who has, for a minimum of eight years, engaged in the planning and designing of engineered stormwater management systems for residential and commercial construction projects in accordance with the Guidelines and the Stormwater Quality Manual including, but not limited to, a minimum of four years in responsible charge of the planning and designing of engineered stormwater management systems for such projects.

“*Qualified soil erosion and sediment control professional*” means a landscape architect or a professional engineer who: (1) has for a minimum of eight years engaged in the planning and designing of soil erosion and sediment controls for residential and commercial construction projects in accordance with the Guidelines including, but not limited to, a minimum of four years in responsible charge of the planning and designing of soil erosion and sediment controls for such projects; or (2) is currently certified as a professional in erosion and sediment control as designated by EnviroCert International, Incorporated (or other certifying organization acceptable to the commissioner) and has for a minimum of six years experience engaged in the planning and designing of soil erosion and sediment controls for residential and commercial construction projects in accordance with the Guidelines including, but not limited to, a minimum of four years in responsible charge in the planning and designing of soil erosion and sediment controls for such projects.

“*Registrant*” means a person or municipality that files a registration.

“*Registration*” means a registration form filed with the commissioner pursuant to Section 4 of this general permit.

“*Regulated Municipal Separate Storm Sewer System*” or “*Regulated MS4*” means the separate storm sewer system of the City of Stamford or any municipally-owned or -operated separate storm sewer system (as defined above) authorized by the most recently issued General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4 general permit) including all those located partially

or entirely within an Urbanized Area and those additional municipally-owned or municipally-operated Small MS4s located outside an Urbanized Area as may be designated by the commissioner.

*“Retain”* means to hold runoff on-site to promote vegetative uptake and groundwater recharge through the use of runoff reduction or LID practices or other measures. In addition, it means there shall be no subsequent point source release to surface waters from a storm event defined in this general permit or as approved by the commissioner.

*“Runoff reduction practices”* means those post-construction stormwater management practices used to reduce post-development runoff volume delivered to the receiving water, as defined by retaining the volume of runoff from a storm up to the first half inch or one inch of rainfall in accordance with Sections 5(b)(2)(C)(i)(a) or (b), respectively. Runoff reduction is quantified as the total annual post-development runoff volume reduced through canopy interception, soil amendments, evaporation, rainfall harvesting, engineered infiltration, extended filtration or evapo-transpiration.

*“Sediment”* means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

*“Site”* means geographically contiguous land on which a construction activity takes place or on which a construction activity for which authorization is sought under this general permit is proposed to take place. Non-contiguous land or water owned by the same person shall be deemed the same site if such land is part of a linear project (as defined in this section) or is otherwise connected by a right-of-way, which such person controls.

*“Soil”* means any unconsolidated mineral and organic material of any origin.

*“Stabilize”* means the use of measures as outlined in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, or as approved by the commissioner, to prevent the visible movement of soil particles and development of rills.

*“Structural measure”* means a measure constructed for the temporary storage and/or treatment of stormwater runoff.

*“Standard Industrial Classification Code”* or *“SIC Code”* means those codes provided in the Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget 1987.

*“Standard of care”*, as used in Section 3(b), means to endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.

*“Stormwater”* means waters consisting of rainfall runoff, including snow or ice melt during a rain event.

*“Stormwater Quality Manual”* means the 2004 Connecticut Stormwater Quality Manual published by the Connecticut Department of Energy & Environmental Protection, as amended.

*“Surface water”* means that portion of waters, as the term “waters” is defined in section 22a-423 of the Connecticut General Statutes, located above the ground surface.

*“Tidal wetland”* means a wetland as that term is defined in section 22a-29(2) of the Connecticut General Statutes.

*“Total disturbance”* means the total area on a site where soil will be exposed or susceptible to erosion during the course of all phases of a project.

“*Total Maximum Daily Load*” or “*TMDL*” means the maximum capacity of a surface water to assimilate a pollutant as established by the commissioner, including pollutants contributed by point and non-point sources and a margin of safety.

“*Upland soils*” means soils which are not designated as poorly drained, very poorly drained, alluvial, or flood plain by the National Cooperative Soils Survey, as may be amended, of the Natural Resources Conservation Service of the United States Department of Agriculture and/or the inland wetlands agency of the municipality in which the project will take place.

“*Water company*” means water company as defined in section 25-32a of the Connecticut General Statutes.

“*Water Quality Standards or Classifications*” means those water quality standards or classifications contained in the Connecticut Water Quality Standards published by the Department, as may be amended.

“*Water Quality Volume*” or “*WQV*” means the volume of runoff generated by one inch of rainfall on a site as defined in the 2004 Connecticut Stormwater Quality Manual, as amended.

### **Section 3. Authorization Under This General Permit**

#### **(a) *Eligible Activities***

This general permit authorizes the discharge of stormwater and dewatering wastewaters to surface waters from construction activities on a site, as defined in this general permit, with a total disturbance of one or more acres of land area on a site, *regardless of project phasing*.

In the case of a larger plan of development (such as a subdivision), the estimate of total acres of site disturbance shall include, but is not limited to, road and utility construction, individual lot construction (e.g. house, driveway, septic system, etc.), and all other construction associated with the overall plan, regardless of the individual parties responsible for construction of these various elements.

#### **(b) *Requirements for Authorization***

This general permit authorizes the construction activity listed in the “Eligible Activities” section (Section 3(a)) of this general permit provided:

##### **(1) Coastal Management Act**

Such construction activity must be consistent with all applicable goals and policies in section 22a-92 of the Connecticut General Statutes, and must not cause adverse impacts to coastal resources as defined in section 22a-93(15) of the Connecticut General Statutes. Please refer to the Appendix D for additional guidance.

##### **(2) Endangered and Threatened Species**

Such activity must not threaten the continued existence of any species listed pursuant to section 26-306 of the Connecticut General Statutes as endangered or threatened and must not result in the destruction or adverse modification of habitat designated as essential to such species. See Appendix A.

(3) Aquifer Protection Areas

Such construction activity, if it is located within an aquifer protection area as mapped under section 22a-354b of the General Statutes, must comply with regulations adopted pursuant to section 22a-354i of the General Statutes. Please refer to the Appendix C for additional guidance.

For any construction activity regulated pursuant to sections 8(c) and 9(b) of the Aquifer Protection Regulations (section 22a-354i(1)-(10) of the Regulations of Connecticut State Agencies), the Stormwater Pollution Control Plan (Plan) must assure that stormwater run-off generated from the regulated construction activity (i) is managed in a manner so as to prevent pollution of groundwater, and (ii) complies with all the requirements of this general permit.

(4) Mining Operations Exception

The stormwater discharge resulting from an activity classified as Standard Industrial Classification 10 through 14 (the mining industry) is not authorized by this general permit and is regulated under the most recently issued General Permit for the Discharge of Stormwater Associated with Industrial Activity.

(5) Discharge to POTW

The stormwater is *not* discharged to a Publicly Owned Treatment Works (POTW).

(6) Discharge to Groundwater

The stormwater is *not* discharged entirely to groundwater, meaning a stormwater discharge to a surface water will not occur up to a 100-year, 24-hour rainfall event.

(7) Such construction activity must be consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) for those river components and tributaries which have been designated as Wild and Scenic by the United States Congress. Further, such construction activities must not have a direct and adverse effect on the values for which such river designation was established. Please refer to Appendix H for additional guidance.

(8) Certification Requirements for Registrants and other Individuals

As part of the registration for this general permit, the registrant and any other individual or individuals responsible for preparing the registration submits to the commissioner a written certification which, at a minimum, complies with the following requirements:

- (A) The registrant and any other individual or individuals responsible for preparing the registration and signing the certification has completely and thoroughly reviewed, at a minimum, this general permit and the following regarding the activities to be authorized under such general permit:
  - (i) all registration information provided in accordance with Section 4(c)(2) of such general permit;
  - (ii) the project site, based on a site inspection;
  - (iii) the Stormwater Pollution Control Plan; and
  - (iv) any plans and specifications and any Department approvals regarding such Stormwater Pollution Control Plan;



- (B) The registrant and any other individual or individuals responsible for preparing the registration and signing the certification pursuant to this general permit has, based on the review described in section 3(b)(8)(A) of this general permit, made an affirmative determination to:
- (i) comply with the terms and conditions of this general permit;
  - (ii) maintain compliance with all plans and documents prepared pursuant to this general permit including, but not limited to, the Stormwater Pollution Control Plan;
  - (iii) properly implement and maintain the elements of the Stormwater Pollution Control Plan; and
  - (iv) properly operate and maintain all stormwater management systems in compliance with the terms and conditions of this general permit to protect the waters of the state from pollution;
- (C) Such registrant and any other individual or individuals responsible for preparing the registration certifies to the following statement: "I hereby certify that I am making this certification in connection with a registration under such general permit, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY] and that all terms and conditions of the general permit are being met for all discharges which have been initiated and such activity is eligible for authorization under such permit. I further certify that a system is in place to ensure that all terms and conditions of this general permit will continue to be met for all discharges authorized by this general permit at the site. I certify that the registration filed pursuant to this general permit is on complete and accurate forms as prescribed by the commissioner without alteration of their text. I certify that I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section 3(b)(8)(A) of such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I certify that I have made an affirmative determination in accordance with Section 3(b)(8)(B) of this general permit. I understand that the registration filed in connection with such general permit is submitted in accordance with and shall comply with the requirements of Section 22a-430b of Connecticut General Statutes. I also understand that knowingly making any false statement made in the submitted information and in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the Connecticut General Statutes and any other applicable law."
- (9) The registrant has submitted to the commissioner a written certification by a professional engineer or, where appropriate, a landscape architect licensed in the State of Connecticut for the preparation, planning and design of the Stormwater Pollution Control Plan and stormwater management systems:
- (A) The professional engineer or landscape architect shall certify to the following statement:
- "I hereby certify that I am a [professional engineer][landscape architect] licensed in the State of Connecticut. I am making this certification in connection with a registration under such general permit, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY]. I certify that I have thoroughly and completely reviewed the Stormwater

Pollution Control Plan for the project or activity covered by this certification. I further certify, based on such review and on the standard of care for such projects, that the Stormwater Pollution Control Plan has been prepared in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, the Stormwater Quality Manual, as amended, and the conditions of the general permit, and that the controls required for such Plan are appropriate for the site. I further certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I also understand that knowingly making any false statement in this certification may subject me to sanction by the Department and/or be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the Connecticut General Statutes and any other applicable law."

- (B) Nothing in this section shall be construed to authorize a professional engineer or a landscape architect to engage in any profession or occupation requiring a license under any other provision of the general statutes without such license.

(10) Plan Review and Certification by a District for Locally Approvable Projects

For those Plans not reviewed in accordance with Section 3(b)(11), below, the registrant has submitted to the commissioner a written certification by the appropriate regional District for the review of the Stormwater Pollution Control Plan pursuant to Appendix F, which, at a minimum, complies with the following requirements:

- (A) the Plan Review Certification must be signed by the District. Information on the District review process is outlined in the Memorandum of Agreement provided in Appendix F. In cases where the District is unable to complete review of the Plan within the time limits specified in the Memorandum of Agreement in Appendix F, a notice to that effect signed by the District may be submitted in lieu of the certification.
- (B) the Stormwater Pollution Control Plan has been prepared in accordance with the requirements of Section 5(b) of the general permit.
- (C) Nothing in this subsection shall be construed to authorize District personnel to engage in any profession or occupation requiring a license under any other provision of the general statutes without such license.

(11) Plan Review and Certification by a Qualified Soil Erosion and Sediment Control Professional and Qualified Professional Engineer for Locally Approvable Projects

For those Plans not reviewed in accordance with Section 3(b)(10), above, the registrant has submitted to the commissioner a written certification by a qualified professional engineer or a qualified soil erosion and sediment control professional in accordance with the following requirements:

- (A) for projects disturbing more than one acre and less than fifteen (15) acres, such qualified soil erosion and sediment control professional or qualified professional engineer:
  - (i) is not an employee, as defined by the Internal Revenue Service in the Internal Revenue Code of 1986, of the registrant; and
  - (ii) has no ownership interest of any kind in the project for which the registration is being submitted.

- (B) for projects disturbing fifteen (15) acres or more, such qualified soil erosion and sediment control professional or qualified professional engineer:
  - (i) is not an employee, as defined by the Internal Revenue Service in the Internal Revenue Code of 1986, of the registrant;
  - (ii) did not engage in any activities associated with the preparation, planning, designing or engineering of such plan for soil erosion and sediment control or plan for stormwater management systems on behalf of such registrant;
  - (iii) is not under the same employ as any person who engaged in any activities associated with the preparation, planning, designing or engineering of such plans and specifications for soil erosion and sediment control or plans and specifications for stormwater management systems on behalf of such registrant; and
  - (iv) has no ownership interest of any kind in the project for which the registration is being submitted.
- (C) The qualified professional engineer or qualified soil erosion and sediment control professional signing the certification has, at a minimum, completely and thoroughly reviewed this general permit and the following regarding the discharges to be authorized under such general permit:
  - (i) all registration information provided in accordance with Section 4(c)(2) of such general permit;
  - (ii) the site, based on a site inspection;
  - (iii) the Stormwater Pollution Control Plan;
  - (iv) the Guidelines;
  - (v) the Stormwater Quality Manual, if applicable; and
  - (vi) all non-engineered and engineered stormwater management systems, including any plans and specifications and any Department approvals regarding such stormwater management systems.
- (D) Affirmative Determination
  - (i) The qualified soil erosion and sediment control professional signing the certification must have made an affirmative determination, based on the review described in section 3(b)(11)(C) of this general permit that:
    - (a) the Stormwater Pollution Control Plan prepared and certified pursuant to the registration is adequate to assure that the project or activity authorized under this general permit, if implemented in accordance with the Stormwater Pollution Control Plan, will comply with the terms and conditions of such general permit; and
    - (b) all non-engineered stormwater management systems:
      - (I) have been designed to control pollution to the maximum extent achievable using measures that are technologically available and economically

practicable and that conform to those in the Guidelines and the Stormwater Quality Manual;

(2) will function properly as designed;

(3) are adequate to ensure compliance with the terms and conditions of this general permit; and

(4) will protect the waters of the state from pollution.

(ii) The qualified professional engineer signing the certification must have made an affirmative determination, based on the review described in section 3(b)(11)(C) of this general permit that:

(a) the Stormwater Pollution Control Plan prepared and certified pursuant to the registration is adequate to assure that the activity authorized under this general permit, if implemented in accordance with the Stormwater Pollution Control Plan, will comply with the terms and conditions of such general permit; and

(b) all non-engineered and engineered stormwater management systems:

(1) have been designed to control pollution to the maximum extent achievable using measures that are technologically available and economically practicable and that conform to those in the Guidelines and the Stormwater Quality Manual;

(2) will function properly as designed;

(3) are adequate to ensure compliance with the terms and conditions of this general permit; and

(4) will protect the waters of the state from pollution.

(E) The qualified professional engineer or qualified soil erosion and sediment control professional shall, provided it is true and accurate, certify to the following statement:

"I hereby certify that I am a qualified professional engineer or qualified soil erosion and sediment control professional, or both, as defined in the General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities and as further specified in sections 3(b)(11)(A) and (B) of such general permit. I am making this certification in connection with a registration under such general permit, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY]. I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section 3(b)(11)(C) of such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I further certify that I have made the affirmative determination in accordance with Sections 3(b)(11)(D)(i) and (ii) of this general permit. I understand that this certification is part of a registration submitted in accordance with Section 22a-430b of Connecticut General Statutes and is subject to the requirements and responsibilities for a qualified professional in such statute. I also understand that knowingly making any false statement in this certification may be

punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the Connecticut General Statutes and any other applicable law."

- (F) Nothing in this subsection shall be construed to authorize a qualified soil erosion and sediment control professional or a qualified professional engineer to engage in any profession or occupation requiring a license under any other provision of the general statutes without such license.

#### (12) New Discharges to Impaired Waters

New stormwater discharges directly to an impaired water, as indicated in the State's Integrated Water Quality Report, must be in accordance with the following conditions:

- (A) Stormwater discharges that go directly to impaired waters seeking authorization under this general permit shall comply with the requirements of this subsection (B) below if the indicated cause or potential cause of the impairment is one of the following:
- Site Clearance (Land Development or Redevelopment)
  - Post-Development Erosion and Sedimentation
  - Source Unknown (if cause of impairment is Sedimentation/Siltation)
- (B) Such stormwater discharge is authorized if the permittee complies with the requirements of Section 5(b)(3) of this permit and receives a written affirmative determination from the commissioner that the discharge meets the requirements of that section. In such case, the permittee must keep a copy of the written determination onsite with the Plan. If the permittee does not receive such affirmative determination, the construction activity is not authorized by this general permit and must obtain an individual permit.

#### (c) **Registration**

Pursuant to the "Registration Requirements" section (Section 4) of this general permit, a completed registration with respect to the construction activity shall be filed with the commissioner as follows:

##### (1) Locally Approvable Projects

The registration must:

- (A) Be electronically submitted, along with all required elements in subsections (B), (C) and (D), below, at least sixty (60) days prior to the planned commencement of the construction activity.
- (B) Include the Registration Form (available at [www.ct.gov/deep/stormwater](http://www.ct.gov/deep/stormwater)).
- (C) Include any additional forms and information regarding compliance and/or consistency with the Coastal Management Act, Impaired Waters (including TMDL requirements), Endangered and Threatened Species, and Aquifer Protection Areas that may be required pursuant to the "Requirements of Authorization" section (Section 3(b)).
- (D) Include a Plan Review Certification in accordance with the "Plan Review Certification" (Section 5(b)(8)).

Locally Approvable projects may also choose to make their Plan electronically available in accordance with Section 4(c)(2)(N) of this general permit. The 60 day period cited in subsection

(A), above, will not begin until all required elements have been submitted. Failure to include any of these required submissions shall be grounds to reject the registration.

(2) Locally Exempt Projects

The registration must:

- (A) Be electronically submitted, along with all required elements in subsections (B), (C) and (D), below, at least:
  - (i) sixty (60) days prior to the planned commencement of the construction activity if the site has a total disturbed area of between one (1) and twenty (20) acres; **or**
  - (ii) ninety (90) days prior to the planned commencement of construction activity if the site:
    - (a) has a total disturbed area greater than twenty (20) acres;
    - (b) discharges to a tidal wetland (that is not a fresh-tidal wetland) within 500 feet of the discharge point; **or**
    - (c) is subject to the impaired waters provisions of Section 3(b)(12).
- (B) Include the Registration Form (available at [www.ct.gov/deep/stormwater](http://www.ct.gov/deep/stormwater)).
- (C) Include any additional forms and information regarding compliance and/or consistency with the Coastal Management Act, Impaired Waters (including TMDL requirements), Endangered and Threatened Species, and Aquifer Protection that may be required pursuant to the “Requirements of Authorization” section (Section 3(b)).
- (D) Include an electronic copy of the Stormwater Pollution Control Plan (Plan) (or a web address where the electronic Plan can be downloaded) for the commissioner’s review. The electronic Plan shall be in Adobe™ PDF format or similar publicly available format in common use. **DO NOT INCLUDE** in this electronic copy any pages or other material that do not pertain to stormwater management or erosion and sedimentation control (such as electrical and lighting plans, boundary or lot surveys, building plans, non-stormwater related detail sheets, etc.).

The 60 or 90 day periods cited in subsections (A), above, will not begin until all required elements have been submitted. Failure to include any of these required submissions shall be grounds to reject the registration.

(3) Re-Registration of Existing Projects

For sites previously registered under any previous version of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities and for which no Notice of Termination has been submitted pursuant to the “Termination Requirements” section (Section 6), **no re-registration or fee is required to maintain permit authorization**. Resubmission of the permittee’s Plan is not required unless specifically requested by the commissioner.

***(d) Small Construction***

For construction projects with a total disturbance of between one and five acres, the permittee shall adhere to the erosion and sediment control land use regulations of the municipality in which the construction activity is conducted, as well as the Guidelines and the Stormwater Quality Manual.

No registration or Plan review and certification shall be required for such construction activity provided a land-use commission of the municipality (i.e. planning/zoning, wetland, conservation, etc) reviews and issues a written approval of the proposed erosion and sediment control measures, pursuant to the requirements of section 22a-329 of the Connecticut General Statutes. In the absence of such municipal commission approval, the permittee shall register with the DEEP under the requirements for a Locally Exempt Project and comply with all applicable conditions of this general permit.

***(e) Geographic Area***

This general permit applies throughout the State of Connecticut.

***(f) Effective Date and Expiration Date of this General Permit***

The registration provisions of Section 3(c) and 4 of this General Permit, including any applicable definitions or provisions referred to in those sections insofar as they facilitate submission of a registration, shall be effective September 1, 2013. All remaining provisions of this General Permit shall be effective on October 1, 2013. The provisions of this General Permit shall expire on September 30, 2019.

***(g) Effective Date of Authorization***

A construction activity is authorized by this general permit at such time as specified in subsections (1) and (2), below.

**(1) Authorization Timelines**

The activity is authorized based on the following timelines unless superseded by subsection (2), below:

- (A) for locally approvable projects, sixty (60) days after the submission of the registration form required by Section 4(c), or
- (B) for locally exempt projects under 20 acres, sixty (60) days after the submission of the registration form required by Section 4(c), or
- (C) for locally exempt projects over 20 acres, ninety (90) days after the submission of the registration form required by Section 4(c).

**(2) Alternate Authorization Timelines**

If one of the following conditions for authorization applies, that condition shall supersede those of subsection (1), above:

- (A) for sites for which the registration and Plan availability and review provisions of Section 4(e) are completed prior to the authorization periods in subsection (1), above, the commissioner may authorize the activity upon such completion, or

- (B) for sites subject to the conditions of Section 3(b)(2), 3(b)(12) and/or Section 5(a)(2), the activity is authorized on the date of the commissioner's affirmative determination and/or approval, or

***(h) Revocation of an Individual Permit***

If a construction activity is eligible for authorization under this general permit and such activity is presently authorized by an individual permit, the existing individual permit may be revoked by the commissioner upon a written request by the permittee. If the commissioner revokes such individual permit in writing, such revocation shall take effect on the effective date of authorization of such activity under this general permit.

***(i) Issuance of an Individual Permit***

If the commissioner issues an individual permit under section 22a-430 of the Connecticut General Statutes, authorizing a construction activity authorized by this general permit, this general permit shall cease to authorize that activity beginning on the date such individual permit is issued.

**Section 4. Registration Requirements**

***(a) Who Must File a Registration***

With the exception noted in the "Small Construction" section (Section 3(d)) of this general permit, any person or municipality which initiates, creates, originates or maintains a discharge described in the "Eligible Activities" section (Section 3(a)) of this general permit shall file with the commissioner a registration form that meets the requirements of the "Contents of Registration" section (Section 4(c)) of this general permit and the applicable fee within the timeframes and in the amounts specified in Sections 3(c) and 4(c)(1)(A), respectively. Any such person or municipality filing a registration remains responsible for maintaining compliance with this general permit.

***(b) Scope of Registration***

Each registration shall be limited to the discharge at or from one site; no registration shall cover discharges at or from more than one site.

***(c) Contents of Registration***

**(1) Fees**

**(A) Registration Fee**

A registration, if required, shall not be deemed complete unless the registration fee has been paid in full.

**(i) Locally Approvable Projects**

A registration fee of \$625.00 shall be submitted to the Department with the registration form.

**(ii) Locally Exempt Projects**

A registration fee shall be submitted with a registration form as follows:



- (a) For sites with total disturbance of between one (1) and twenty (20) acres, the fee shall be \$3,000.
- (b) For sites with total disturbance equal to or greater than twenty (20) acres and less than fifty (50) acres, the fee shall be \$4,000.
- (c) For sites with total disturbance equal to or greater than fifty (50) acres, the fee shall be \$5,000.

The fees for municipalities shall be half of those indicated in subsections (a), (b) and (c) above pursuant to section 22a-6(b) of the Connecticut General Statutes. State and Federal agencies shall pay the full fees specified in this subsection.

- (B) The registration fee shall be paid electronically or by check or money order payable to the Department of Energy & Environmental Protection.
- (C) The registration fee is non-refundable.

## (2) Registration Form

A registration shall be filed electronically on forms prescribed and provided by the commissioner (available at: [www.ct.gov/deep/stormwater](http://www.ct.gov/deep/stormwater)) and shall include, but not be limited to, the following:

- (A) Legal name, address, and telephone number of the registrant. If the registrant is a person (as defined in Section 2 of this permit) transacting business in Connecticut and is registered with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State.
- (B) Legal name, address and telephone number of the owner of the property on which the construction activity will take place.
- (C) Legal name, address and telephone number of the primary contact for departmental correspondence and inquiries, if different from the registrant.
- (D) Legal name, address and telephone number of the developer of the property on which the construction activity is to take place.
- (E) Legal name, address and daytime and off-hours telephone numbers of the general contractor(s) or other representative(s), if different from the developer.
- (F) Legal name, address and telephone number of any consultant(s), engineer(s) or landscape architect(s) retained by the permittee to prepare the registration and Stormwater Pollution Control Plan.
- (G) Location address or description of the site for which the registration is filed.
- (H) The estimated duration of the construction activity.
- (I) Indication of the normal working hours of the site.
- (J) A brief description of the construction activity, including, but not limited to:
  - (i) Total number of acres to be disturbed, regardless of phasing.

- (ii) Assurance that construction is in accordance with the Guidelines and local erosion and sediment control ordinances, where applicable.
  - (iii) For sites in the Coastal Boundary, documentation that the DEEP Office of Long Island Sound Programs or local governing authority has issued a coastal site plan approval or a determination that the project is exempt from coastal site plan review (see Appendix D) in accordance with section 22a-92 and 22a-93(15) of the Connecticut General Statutes.
  - (iv) Documentation that the construction activity will not threaten the continued existence of any species listed pursuant to section 26-306 of the Connecticut General Statutes as endangered or threatened and will not result in the destruction or adverse modification of habitat designated as essential to such species (see Appendix A).
  - (v) For sites discharging to certain impaired waters, as specified in Section 3(b)(12), documentation that the construction activity meets the requirements of that section and Section 5(b)(3) for authorization under this general permit.
  - (vi) Assurance that the construction activity is not located within an aquifer protection area (see Appendix C) as mapped under section 22a-354b of the Connecticut General Statutes or, if it is located within an aquifer protection area, that the construction activity will comply with regulations adopted pursuant to section 22a-354i of the Connecticut General Statutes.
  - (vii) For a proposed locally approvable project, a plan review certification from the appropriate District, qualified soil erosion and sediment control professional, and/or qualified professional engineer in accordance with Section 5(b)(10) or (11) or a notice from the District that they were unable to complete the Plan review within the time limits specified in the Memorandum of Agreement in Appendix F.
- (K) A brief description of the stormwater discharge, including:
- (i) The name of the municipal separate storm sewer system or immediate surface water body or wetland to which the stormwater runoff will discharge;
  - (ii) Verification of whether or not the site discharges to a tidal wetland (that is not a fresh-tidal wetland) within 500 feet of the discharge point, to a high quality water or to an impaired water with or without a TMDL;
  - (iii) The name of the watershed or nearest waterbody to which the site discharges.
  - (iv) Location of the stormwater discharge(s) including latitude and longitude.
- (L) The total effective impervious cover for the site before and after the proposed construction activity.
- (M) Documentation that the proposed construction activity has been reviewed for consistency with state Historic Preservation statutes, regulations, and policies including identification of any potential impacts on property listed or eligible for listing on the Connecticut Register of Historic Places. A review conducted for an Army Corps of Engineers Section 404 wetland permit would meet this qualification. Refer to Appendix G for guidance on conducting the required review.

- (N) Registrants for locally approvable projects may, if they choose, attach an electronic copy of their Plan to their registration or provide a web address where their Plan may be downloaded. If an electronic plan is not provided, the registrant is still subject to the requirements for submission of a Plan to the commissioner or a member of the public pursuant to the “Plan Availability” section (Section 4(e)(2)). An electronic Plan shall be in Adobe™ PDF format or similar publicly available format in common use. **DO NOT INCLUDE** in the Plan any pages or other material that do not pertain to stormwater management or erosion and sedimentation control (such as electrical and lighting plans, boundary or lot surveys, building plans, non-stormwater related detail sheets, etc.).
- (O) Registrants for all locally exempt projects must submit an electronic copy of their Plan or a web address where the electronic Plan can be downloaded. The electronic Plan shall be in Adobe™ PDF format or similar publicly available format in common use. **DO NOT INCLUDE** in this Plan any pages or other material that do not pertain to stormwater management or erosion and sedimentation control (such as electrical and lighting plans, boundary or lot surveys, building plans, non-stormwater related detail sheets, etc.).
- (P) The certification of the registrant and of the individual or individuals responsible for actually preparing the registration, in accordance with Section 3(b)(8).
- (Q) For all registrations, a design certification must be signed by a professional engineer in accordance with Section 3(b)(9):.
- (R) For registrations for locally approvable projects a review certification must be signed by either: (i) a District in accordance with Section 3(b)(10), or (ii) a qualified soil erosion and sediment control professional and/or qualified professional engineer in accordance with either Section 3(b)(11).

If the registrant is not capable of submitting electronically, a paper form may be submitted in accordance with Section 4(d).

**(d) *Where to File a Registration***

A registration (available at: [www.ct.gov/deep/stormwater](http://www.ct.gov/deep/stormwater)) shall be filed electronically with the commissioner in accordance with Section 3(c)(2) or (3). If the registrant does not have the capability to submit electronically, a paper registration may be filed at the following address:

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

**(e) *Availability of Registration and Plan***

By the fifteenth (15<sup>th</sup>) day of each month, the commissioner shall post on the DEEP website a list of registrations submitted in the previous month.

**(1) Registration Availability**

On or before fifteen (15) days from the date of posting by the commissioner, members of the public may review and comment on a registration. Any electronically available Plans will be posted with the corresponding registration.

(2) Plan Availability

(A) Electronic Plan Availability

For an electronically available Plan, on or before fifteen (15) days from the date of posting by the commissioner, members of the public may review and comment on a registrant's Plan.

(B) Non-Electronic Plan Availability

For any Plan that is not electronically available, on or before fifteen (15) days from the date of a registration posting by the commissioner, members of the public may submit a written request to the commissioner to obtain a copy of a registrant's Plan. The commissioner shall inform the registrant of the request and the name of the requesting party. If the commissioner does not already have access to a copy of the requested Plan, the registrant shall submit a copy of their Plan to the commissioner within seven (7) days of their receipt of such request. On or before fifteen (15) days from the date the commissioner makes a Plan available to the requesting party, they may submit written comments on the Plan to the commissioner.

**(f) Additional Information**

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

**(g) Additional Notification**

For discharges authorized by this general permit to a regulated municipal separate storm sewer system, a copy of the registration and all attachments thereto shall also be submitted to the owner and operator of that system.

For discharges authorized by this general permit to a DOT separate storm sewer system, a copy of the registration and all attachments thereto shall also be submitted to the DOT upon request.

For discharges within a public drinking water supply watershed or aquifer area, a copy of the registration and the Plan described in subsection 5(b) of this general permit shall be submitted to the water company.

For discharges to river components and tributaries which have been designated as Wild and Scenic under the Wild and Scenic Rivers Act, a copy of the registration and the Plan described in 5(b) of this general permit shall be submitted to the applicable Wild and Scenic Coordinating Committee. Please refer to Appendix H for additional guidance

In addition, a copy of this registration and the Plan shall be available upon request to the local inland wetlands agency established pursuant to section 22a-42 of the Connecticut General Statutes, or its duly authorized agent.

**(h) Action by Commissioner**

- (1) The commissioner may reject without prejudice a registration if it does not satisfy the requirements of the "Contents of Registration" section (subsection 4(c)) of this general permit. Any registration refiled after such a rejection shall be accompanied by the fee specified in the "Fees" subsection (subsection 4(c)(1)) of this general permit.

- (2) The commissioner may disapprove a registration if it is inconsistent with the requirements for authorization under the “Requirements for Registration” section (Section 3(b)) of this general permit, or for any other reason provided by law.
- (3) Disapproval of a registration under this subsection shall constitute notice to the registrant that the subject construction activity must be authorized under an individual permit.
- (4) Rejection or disapproval of a registration shall be in writing.

(i) ***Latest Date to Submit a Registration Under this General Permit***

No person shall submit a registration under this general permit after June 30, 2019.

**Section 5. Conditions of this General Permit**

The permittee shall meet all requirements of this general permit at all times. In addition, a permittee shall be responsible for conducting authorized construction activities in accordance with the following conditions:

(a) ***Conditions Applicable to Certain Discharges***

(1) Structures and Dredging in Coastal and Tidal Areas

Any person who or municipality that discharges stormwater into coastal tidal waters for which a permit is required under section 22a-361 of the Connecticut General Statutes (structures and dredging) or section 22a-32 of the Connecticut General Statutes (Tidal Wetlands Act), shall obtain such permit(s) from the commissioner. A tidal wetland permit is required for the placement of any sediment upon a tidal wetland, whether it is deposited directly or indirectly.

(2) Discharges to Tidal Wetlands

Any site which has a post-construction stormwater discharge to a tidal wetland (that is not a fresh-tidal wetland) where such discharge is within 500 feet of the tidal wetland, shall discharge such stormwater through a system designed to retain and infiltrate the volume of stormwater runoff generated by 1 inch of rainfall on the site. If there are site constraints that would prevent retention of this volume on-site (e.g., brownfields, capped landfills, bedrock, elevated groundwater, etc.), documentation must be submitted, for the commissioner’s review and written approval, which explains the site limitations and offers an alternative retention volume. In such cases, the portion of 1 inch that cannot be retained must be provided with additional stormwater treatment so as to protect water quality. Any such treatment shall be designed, installed and maintained in accordance with the Stormwater Quality Manual.

For sites unable to comply with this section, the commissioner, at the commissioner’s sole discretion, may require the submission of an individual permit in lieu of authorization under this general permit.

(3) Toxicity to Aquatic and Marine Life

The discharge shall not cause pollution due to acute or chronic toxicity to aquatic and marine life, impair the biological integrity of aquatic or marine ecosystems, or result in an unacceptable risk to human health.

(4) Water Quality Standards

The stormwater discharge shall not cause or contribute to an exceedance of the applicable Water Quality Standards in the receiving water.

(5) High Quality Waters

Any new or increased stormwater discharge to high quality waters shall be discharged in accordance with the Connecticut Anti-Degradation Implementation Policy in the Water Quality Standards.

**(b) Stormwater Pollution Control Plan**

All registrants shall develop and maintain on-site a Stormwater Pollution Control Plan (Plan) for the construction activity authorized by this general permit. Once the construction activity begins, the permittee shall perform all actions required by such Plan and shall maintain compliance with the Plan thereafter. The Plan shall be designed to minimize (as defined in Section 2): (1) pollution caused by soil erosion and sedimentation during and after construction; and (2) stormwater pollution caused by use of the site after construction is completed.

(1) Development and Contents of Plan

(A) The Plan shall consist of site plan drawings and a narrative. The Plan shall be prepared in accordance with sound engineering practices, and shall be consistent with the Guidelines and the 2004 Connecticut Stormwater Quality Manual (available at <http://www.ct.gov/deep/stormwater>). The Plan shall also be consistent with any remedial action plan, closure plan or other plan required by any other DEEP permit.

(B) The Plan shall include, at a minimum, the following items:

(i) Site Plan

Site drawings indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, the location of major structural and non-structural controls (as specified in subsection 5(b)(2), below), the location of areas where stabilization practices are expected to occur, areas which will be vegetated following construction, monitored outfalls, surface waters, impaired waters (identifying those with and without a TMDL), high quality waters, inland wetlands, tidal wetlands, fresh-tidal wetlands, and locations where stormwater will be discharged to a surface water (both during and post-construction);

(ii) Site Description

- (a) A narrative description of the nature of the construction activity;
- (b) An estimate of the total area of the site and the total area of the site that is expected to be disturbed by construction activities;
- (c) An estimate of the average runoff coefficient of the site after construction activities are completed;
- (d) The name of the immediate receiving water(s) and the ultimate receiving water(s) of the discharges authorized by this general permit; and

(e) Extent of wetland acreage on the site.

(iii) Construction Sequencing

The Plan shall clearly identify the expected sequence of major construction activities on the site and corresponding erosion and sediment controls and shall include an estimated timetable for all construction activities, which shall be revised as necessary to keep the Plan current. Wherever possible, the site shall be phased to avoid the disturbance of over five acres at one time (or a lesser area of disturbance as required in the “Impaired Waters” section (Section 5(b)(3)). The Plan shall clearly show the limits of disturbance for the entire construction activity and for each phase.

(iv) Control Measures

The Plan shall include a description, in narrative and on the site plan drawings, of appropriate control measures that will be performed at the site to minimize the discharge of pollutants to waters of the state. Control measures shall be implemented in accordance with Section 5(b)(2) below. In addition, the following information shall be provided:

- (a) Calculations supporting the design of sediment and floatables removal controls pursuant to Section 5(b)(2)(C)(ii)(b).
- (b) Calculations supporting the design of velocity dissipation controls pursuant to Section 5(b)(2)(C)(ii)(c).

(v) Runoff Reduction and Low Impact Development (LID) Information

Where runoff reduction practices and/or LID measures are utilized, the following information shall be included in the site plan and narrative:

- (a) The location of the site’s streams, floodplains, all wetlands, riparian buffers, slopes 3:1 and steeper, and vegetation identified for preservation and non-disturbance during construction such as forested areas, hay fields, and old fields;
- (b) Natural drainage patterns, swales, and other drainage ways, that are not streams, floodplains, or wetland areas;
- (c) The location of all areas with soils suitable for infiltration<sup>1</sup> and areas of the site best suited for infiltration for the siting of runoff reduction practices and LID design measures;
- (d) The location of all areas unsuitable or least suitable for infiltration for the siting of areas of development/building;
- (e) The location of all post-construction stormwater management measures, runoff reduction practices and LID design measures developed pursuant to subsection 5(b)(2)(C)(i) below;
- (f) Identification of areas inappropriate for the infiltration of stormwater runoff from land uses with a significant potential for groundwater pollution;

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<sup>1</sup> Infiltration rates must be measured by a field permeability test. The measured field design infiltration rate is equal to one-half the field-measured infiltration rate.

- (g) A narrative describing the nature, purpose, implementation and long-term maintenance of the post-construction measures, runoff reduction practices and LID design measures;
- (h) Calculations, for measures developed pursuant to Section 5(b)(2)(C)(i), illustrating the retention of the water quality volume or half the water quality volume for the site, as applicable, including a discussion of the impact of any runoff reduction and/or LID practices on these calculations.
- (i) A narrative describing any site constraints that prevent retention of the appropriate volume specified in Section 5(b)(2)(C)(i) including: an explanation of the site limitations; a description of the runoff reduction practices implemented; an explanation of why the amount retained constitutes the maximum extent achievable; an alternative retention volume; and a description of the measures used to provide additional stormwater treatment for sediment, floatables and nutrients above the alternate volume up to the water quality volume.
- (j) Calculations showing the proposed effective impervious cover for the site and, where necessary or appropriate for measures developed for linear projects pursuant to Section 5(b)(2)(C)(i), each outfall drainage area.

(vi) Inspections

The Plan shall include a narrative of all inspection personnel conducting the routine inspections, their responsibilities and procedures pursuant to subsection 5(b)(4)(B) below. The Plan shall also include documentation of the qualifications of the inspector(s) and the findings, actions and results of all inspections conducted at the site.

(vii) Monitoring

The Plan shall provide a narrative of the stormwater monitoring procedures pursuant to Section 5(c). This narrative shall include documentation of the monitoring frequency, personnel conducting monitoring, identification of monitored outfalls, methodology for monitoring, provisions for monitoring a linear project (if applicable), the site's normal working hours, the method for measuring turbidity and a copy of all monitoring records.

(viii) Contractors

- (a) The Plan shall clearly identify each contractor and subcontractor that will perform construction activities on the site that have the potential to cause pollution of the waters of the State. The Plan shall include a copy of the certification statement in the "Contractor Certification Statement" section, below, signed by each such contractor and subcontractor.

(b) Contractor Certification Statement

The Plan shall include the following certification signed by each contractor and subcontractor identified in the Plan as described above:

"I certify under penalty of the law that I have read and understand the terms and conditions of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. I understand that as a contractor or



subcontractor at the site, I am authorized by this general permit, and must comply with the terms and conditions of this general permit, including, but not limited to, the requirements of the Stormwater Pollution Control Plan prepared for the site.”

The certification shall include the name and title of the person providing the signature; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

(c) Subdivisions

Where individual lots in a subdivision or other common plan of development are conveyed or otherwise the responsibility of another person or municipality, those individual lot contractors shall be required to comply with the provisions of this general permit and the Stormwater Pollution Control Plan, and shall sign the certification statement in the “Contractor Certification Statement” section, above, regardless of lot size or disturbed area. In such cases, the permittee shall provide a copy of the Plan to each individual lot contractor, obtain signed certifications from such contractors and retain all signed certifications in the Plan.

(ix) Impaired Waters

For construction activities that discharge to impaired waters, as specified in “New Discharges to Impaired Waters” (Section 3(b)(12)), the Plan shall include a description of the provisions for controlling the construction and post-construction stormwater discharges to these waters pursuant to subsection 5(b)(3) below.

(2) Stormwater Control Measures

Control Measures are required Best Management Practices (BMPs) that the permittee must implement to minimize the discharge of pollutants from the permitted activity. The term “minimize” means reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice.

Control Measures shall be designed in accordance with the Guidelines, the Stormwater Quality Manual or the DOT Qualified Products List ([http://www.ct.gov/dot/lib/dot/documents/dresearch/conndot\\_qpl.pdf](http://www.ct.gov/dot/lib/dot/documents/dresearch/conndot_qpl.pdf)). Use of controls to comply with the “Erosion and Sediment Controls” section (subsection (A) below) of this general permit that are not included in those resources must be approved by the commissioner or the commissioner’s designated agent. The narrative and drawings of controls shall address the following minimum components:

(A) Erosion and Sediment Controls

(i) Soil Stabilization and Protection

The Plan shall include a narrative and drawings of interim and permanent soil stabilization practices for managing disturbed areas and soil stockpiles, including a schedule for implementing the practices. The Permittee shall ensure that existing vegetation is preserved to the maximum extent practicable and that disturbed portions of the site are minimized and stabilized.

Where construction activities have permanently ceased or when final grades are reached in any portion of the site, stabilization and protection practices as specified in Chapter 5 of the Guidelines or as approved by the commissioner or his/ her designated agent shall be implemented within seven days. Areas that will remain disturbed but inactive for at least thirty days shall receive temporary seeding or soil protection within seven days in accordance with the Guidelines.

Areas that will remain disturbed beyond the seeding season as identified in the Guidelines, shall receive long-term, non-vegetative stabilization and protection sufficient to protect the site through the winter. In all cases, stabilization and protection measures shall be implemented as soon as possible in accordance with the Guidelines or as approved by the commissioner or his/ her designated agent.

A reverse slope bench is required for any slope steeper than 3:1 (horizontal: vertical) that exceeds 15 feet vertically, except when engineered slope stabilization structures or measures are included or a detailed soil mechanics analysis has been conducted to verify stability. Engineered analyses and measures must be designed by a CT licensed Professional Engineer with experience in geotechnical engineering or soil mechanics.

(ii) Structural Measures

The Plan shall include a narrative and drawings of structural measures to divert flows away from exposed soils, store flows or otherwise limit runoff and minimize the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the commissioner or his/ her designated agent, or if otherwise authorized by another state or federal permit, structural measures shall be installed on upland soils.

For points of discharge from disturbed sites with a total contributing drainage area of between two to five acres, a temporary sediment trap must be installed in accordance with the Guidelines. For points of discharge from disturbed sites with a total contributing drainage area greater than five acres, a temporary basin must be designed and installed in accordance with the Guidelines. Such trap(s) or basin(s) must be maintained until final stabilization of the contributing area as defined in “Notice of Termination” (Section 6(a)).

The requirement for sediment traps or basins shall not apply to flows from off-site areas and flows from the site that are either undisturbed or have undergone final stabilization where such flows are diverted around the temporary sediment trap or basin. Any exceptions must be approved in writing by the commissioner or his/ her designated agent.

(iii) Maintenance

The Plan shall include a narrative of the procedures to maintain in good and effective operating conditions all erosion and sediment control measures, including vegetation, and all other protective measures identified in the site plan. Maintenance of all erosion and sediment controls shall be performed in accordance with the Guidelines, or more frequently as necessary, to protect the waters of the state from pollution.

(B) Dewatering Wastewaters

Dewatering wastewaters shall be managed in accordance with the Guidelines. Dewatering wastewaters discharged to surface waters shall be discharged in a manner that minimizes the discoloration of the receiving waters. The Plan shall include a narrative and drawings of the

operational and structural measures that will be used to ensure that all dewatering wastewaters will not cause scouring or erosion or contain suspended solids in amounts that could reasonably be expected to cause pollution of surface waters of the State. Unless otherwise specifically approved in writing by the commissioner or his/ her designated agent, or if otherwise authorized by another state or federal permit, dewatering measures shall be installed on upland soils.

No discharge of dewatering wastewater(s) shall contain or cause a visible oil sheen, floating solids, or foaming in the receiving water.

(C) Post-Construction Stormwater Management

The Plan shall include a narrative and drawings of measures that will be installed during the construction process to minimize the discharge of pollutants in stormwater discharges that will occur after construction operations have been completed. Post-construction stormwater management measures shall be designed and implemented in accordance with the Stormwater Quality Manual, the DOT Qualified Products List or as approved by the commissioner or his/ her designated agent in writing. Unless otherwise specifically provided by the commissioner in writing, or authorized by another state or federal permit, structural measures shall be placed on upland soils. The Plan shall include provisions to address the long-term maintenance of any post-construction stormwater management measure installed.

(i) Post-Construction Performance Standards

The permittee shall utilize runoff reduction practices (as defined in Section 2) to meet runoff volume requirements based on the conditions below. For sites unable to comply with these conditions, the commissioner, at the commissioner's sole discretion, may require the submission of an individual permit in lieu of authorization under this general permit.

(a) Redevelopment

For sites that are currently developed with an effective impervious cover of forty percent or more and for which the permittee is proposing redevelopment, the permittee shall design the site in such a manner as to retain on-site half the water quality volume (as defined in Section 2) for the site and provide additional stormwater treatment without retention for discharges up to the full water quality volume for sediment, floatables and nutrients to the maximum extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice. In cases where the permittee is not able to retain half the water quality volume, the permittee shall design the redevelopment to retain runoff volume to the maximum extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice. In such cases, additional stormwater treatment up to the full water quality volume is still required. Any such treatment shall be designed, installed and maintained in accordance with the Stormwater Quality Manual. If retention of the half the water quality volume is not achieved, the permittee shall submit a report to the commissioner describing: the measures taken to maximize runoff reduction practices on the site; the reasons why those practices constitute the maximum extent achievable; the alternative retention volume; and a description of the measures used to provide additional stormwater treatment above the alternate volume up to the water quality volume. In the case of linear redevelopment projects (e.g. roadway reconstruction or widening) for the developed portion of

the right of way: (1) for projects that may be unable to comply with the full retention standard, the alternate retention and treatment provisions may also be applied as specified above, or (2) for projects that will not increase the effective impervious cover within a given watershed, the permittee shall implement the additional stormwater treatment measures referenced above, but will not be required to retain half of the water quality volume.

(b) Other Development

The following performance standard applies to all sites that are currently undeveloped or are currently developed with less than forty percent effective impervious cover. For these sites, the permittee shall design the site to retain the water quality volume for the site. If there are site constraints that would prevent retention of this volume on-site (e.g., brownfields, capped landfills, bedrock, elevated groundwater, etc.), documentation must be submitted, for the commissioner's review and written approval, which: explains the site limitations; provides a description of the runoff reduction practices implemented; provides an explanation of why this constitutes the maximum extent achievable; offers an alternative retention volume; and provides a description of the measures used to provide additional stormwater treatment for sediment, floatables and nutrients above the alternate volume up to the water quality volume. Any such treatment shall be designed, installed and maintained in accordance with the Stormwater Quality Manual. In the case of linear projects that do not involve impervious surfaces (e.g. electrical transmission rights-of-way or natural gas pipelines), retention of the water quality volume is not required as long as the post-development runoff characteristics do not differ significantly from pre-development conditions.

(ii) Post-Construction Control Measures

(a) Runoff Reduction and Low Impact Development ("LID") Practices

The site design shall incorporate runoff reduction practices, low impact development ("LID") practices or other measures to meet the performance standards in subsection (i) above, promote groundwater recharge and minimize post-construction impacts to water quality. Please refer to Appendix B for additional guidance information.

(b) Suspended Solids and Floatables Removal

The permittee shall install post-construction stormwater management measures designed to minimize the discharge of suspended solids and floatables (e.g. oil and grease, other floatable liquids, floatable solids, trash, etc.) from stormwater. A goal of 80 percent removal of the annual sediment load from the stormwater discharge shall be used in designing and installing stormwater management measures. The Plan shall provide calculations supporting the capability of such measures in achieving this goal and any third-party verification, as applicable, of the sediment removal efficiencies of such measures. This goal is not intended to limit local approval authorities from requiring a higher standard pursuant to local requirements.

(c) Velocity Dissipation

Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow to the receiving watercourse so that the natural physical and biological characteristics and functions are maintained and protected.

(D) Other Controls

The following additional controls shall be implemented:

- (i) Waste Disposal: Best management practices shall be implemented to minimize the discharge of litter, debris, building materials, hardened concrete waste, or similar materials to waters of the State. A narrative of these practices shall be provided in the Plan.

- (ii) Washout Areas

Washout of applicators, containers, vehicles and equipment for concrete, paint and other materials shall be conducted in a designated washout area. There shall be no surface discharge of washout wastewaters from this area. Such washout shall be conducted: (1) outside of any buffers and at least 50 feet from any stream, wetland or other sensitive resource; or (2) in an entirely self-contained washout system. The permittee shall clearly flag off and designate areas to be used for washing and conduct such activities only in these areas. The permittee shall direct all washwater into a container or pit designed such that no overflows can occur during rainfall or after snowmelt.

In addition, dumping of liquid wastes in storm sewers is prohibited. The permittee shall remove and dispose of hardened concrete waste consistent with practices developed for the "Waste Disposal" section (subparagraph 5(b)(2)(D)(i), above). At least once per week, the permittee must inspect any containers or pits used for washout to ensure structural integrity, adequate holding capacity, and to check for leaks or overflows. If there are signs of leaks, holes or overflows in the containers or pits that could lead to a discharge, the permittee shall repair them prior to further use. For concrete washout areas, the permittee shall remove hardened concrete waste whenever the hardened concrete has accumulated to a height of ½ of the container or pit or as necessary to avoid overflows. A narrative of maintenance procedures and a record of maintenance and inspections shall be included in the Plan.

- (iii) Off-site vehicle tracking of sediments and the generation of dust shall be minimized. Wet dust suppression shall be used, in accordance with section 22a-174-18(b) of the Connecticut General Statutes, for any construction activity that causes airborne particulates. The volume of water sprayed for controlling dust shall be minimized so as to prevent the runoff of water. No discharge of dust control water shall contain or cause a visible oil sheen, floating solids, visible discoloration, or foaming in the receiving stream.
- (iv) All post-construction stormwater structures shall be cleaned of construction sediment and any remaining silt fence shall be removed upon stabilization of the site.
- (v) All chemical and petroleum product containers stored on the site (excluding those contained within vehicles and equipment) shall be provided with impermeable containment which will hold at least 110% of the volume of the largest container, or

10% of the total volume of all containers in the area, whichever is larger, without overflow from the containment area. All chemicals and their containers shall be stored under a roofed area except for those chemicals stored in containers of 100 gallon capacity or more, in which case a roof is not required. Double-walled tanks satisfy this requirement.

(3) Additional Control Measures for Impaired Waters

For construction activities that discharge directly to impaired waters, as specified in “New Discharges to Impaired Waters” (Section 3(b)(12)), the Plan shall include the following provisions:

- (A) In lieu of the provisions of “Construction Sequencing” (Section 5(b)(1)(B)(iii)), no more than 3 acres may be disturbed at any one time. For those areas for which construction activity will be temporarily suspended for a period of greater than 14 days, temporary stabilization measures shall be implemented within 3 days of such suspension of activity. For all areas, permanent stabilization shall be implemented within 30 days of disturbance; *or*
- (B) The Plan shall document that measures are in place to ensure that there will be no discharge to the impaired water from rain events up to a 2-year, 24-hour rain event while construction activity is occurring; *or*
- (C) For discharges to impaired waters with an established TMDL:
  - (i) the Plan shall document that there is sufficient remaining Waste Load Allocation (WLA) in the TMDL to allow the discharge, *and*
  - (ii) measures shall be implemented to ensure the WLA will not be exceeded, *and*
  - (iii) stormwater discharges shall be monitored, if applicable, for any indicator pollutant identified in the TMDL for every rain event that produces a discharge to ensure compliance with the WLA. Such monitoring shall be in addition to the requirements specified in Section 5(c), *or*
  - (iv) the specific requirements for stormwater discharges specified in the TMDL are met.

Construction activities discharging to impaired waters that do not comply with this subsection are not authorized by this general permit.

(4) Inspections

All construction activities submitting a registration for this general permit shall be inspected initially for Plan implementation and then weekly for routine inspections.

(A) Plan Implementation Inspections

Within the first 30 days following commencement of the construction activity on the site, the permittee shall contact: (1) the appropriate District; or (2) a qualified soil erosion and sediment control professional or a qualified professional engineer to inspect the site. The site shall be inspected at least once and no more than three times during the first 90 days to confirm compliance with the general permit and proper initial implementation of all controls measures designated in the Plan for the site for the initial phase of construction. For sites not inspected by District personnel, the following conditions shall apply:

- (i) for projects disturbing more than one acre and less than fifteen (15) acres, the inspector shall be someone who:
  - (a) is not an employee, as defined by the Internal Revenue Service in the Internal Revenue Code of 1986, of the registrant, and
  - (b) has no ownership interest of any kind in the project for which the registration is being submitted.
- (ii) for projects disturbing fifteen (15) acres or more, the inspector shall be someone who:
  - (a) is not an employee, as defined by the Internal Revenue Service in the Internal Revenue Code of 1986, of the registrant, and
  - (b) has not engaged in any activities associated with the preparation, planning, designing or engineering of such plan for soil erosion and sediment control or plan for engineered stormwater management systems on behalf of such registrant, and
  - (c) is not under the same employ as any person who engaged in any activities associated with the preparation, planning, designing or engineering of such plans and specifications for soil erosion and sediment control or plans and specifications for engineered stormwater management systems on behalf of such registrant, and
  - (d) has no ownership interest of any kind in the project for which the registration is being submitted.

The permittee may use, if they wish, the same person(s) that provided the Plan Review Certification pursuant to Section 5(b)(11).

(B) Routine Inspections

The permittee shall routinely inspect the site for compliance with the general permit and the Plan for the site until a Notice of Termination has been submitted. Inspection procedures for these routine inspections shall be addressed and implemented in the following manner:

- (i) The permittee shall maintain a rain gauge on-site to document rainfall amounts. At least once a week and within 24 hours of the end of a storm that generates a discharge, a qualified inspector (provided by the permittee), as defined in the “Definitions” section (Section 2) of this general permit, shall inspect, at a minimum, the following: disturbed areas of the construction activity that have not been finally stabilized; all erosion and sedimentation control measures; all structural control measures; soil stockpile areas; washout areas and locations where vehicles enter or exit the site. These areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system and impacts to the receiving waters. Locations where vehicles enter or exit the site shall also be inspected for evidence of off-site sediment tracking. For storms that end on a weekend, holiday or other time after which normal working hours will not commence within 24 hours, an inspection is required within 24 hours only for storms that equal or exceed 0.5 inches. For storms of less than 0.5 inches, an inspection shall occur immediately upon the start of the subsequent normal working hours. Where sites have been temporarily or finally stabilized, such inspection shall be conducted at least once every month for three months.
- (ii) The qualified inspector(s) shall evaluate the effectiveness of erosion and sediment controls, structural controls, stabilization practices, and any other controls implemented

to prevent pollution and determine if it is necessary to install, maintain, or repair such controls and/or practices to improve the quality of stormwater discharge(s).

- (iii) A report shall be prepared and retained as part of the Plan. This report shall summarize: the scope of the inspection; name(s) and qualifications of personnel making the inspection; the date(s) of the inspection; weather conditions including precipitation information; major observations relating to erosion and sediment controls and the implementation of the Plan; a description of the stormwater discharge(s) from the site; and any water quality monitoring performed during the inspection. The report shall be signed by the permittee or his/her authorized representative in accordance with the "Certification of Documents" section (subsection 5(i)) of this general permit.

The report shall include a statement that, in the judgment of the qualified inspector(s) conducting the site inspection, the site is either in compliance or out of compliance with the terms and conditions of the Plan and permit. If the site inspection indicates that the site is out of compliance, the inspection report shall include a summary of the remedial actions required to bring the site back into compliance. Non-engineered corrective actions (as identified in the Guidelines) shall be implemented on site within 24 hours and incorporated into a revised Plan within three (3) calendar days of the date of inspection unless another schedule is specified in the Guidelines. Engineered corrective actions (as identified in the Guidelines) shall be implemented on site within seven (7) days and incorporated into a revised Plan within ten (10) days of the date of inspection, unless another schedule is specified in the Guidelines or is approved by the commissioner. During the period in which any corrective actions are being developed and have not yet been fully implemented, interim measures shall be implemented to minimize the potential for the discharge of pollutants from the site.

- (iv) Inspectors from the DEEP and the appropriate District may inspect the site for compliance with this general permit at any time construction activities are ongoing and upon completion of construction activities to verify the final stabilization of the site and/or the installation of post-construction stormwater management measures pursuant to Section 6(a).
- (v) Additional inspections, reports and documentation may also be required to comply with the "Monitoring Requirements" section (Section 5(c)).

#### (5) Keeping Plans Current

The Permittee is responsible for keeping their Plan in compliance with this general permit at all times. This may involve any or all of the following:

- (A) The permittee shall amend the Plan if the actions required by the Plan fail to prevent pollution or fail to otherwise comply with any other provision of this general permit. The Plan shall also be amended whenever there is a change in contractors or subcontractors at the site, or a change in design, construction, operation, or maintenance at the site which has the potential for the discharge of pollutants to the waters of the state and which has not otherwise been addressed in the Plan.
- (B) The commissioner may notify the permittee at any time that the Plan and/or the site do not meet one or more of the minimum requirements of this general permit. Within 7 days of such notice, or such other time as the commissioner may allow, the permittee shall make the required changes to the Plan and perform all actions required by such revised Plan. Within 15 days of such notice, or such other time as the commissioner may allow, the permittee shall submit to the commissioner a written certification that the requested changes have been



made and implemented and such other information as the commissioner requires, in accordance with the ‘Duty to Provide Information’ and ‘Certification of Documents’ sections (subsections 5(h) and 5(i)) of this general permit.

- (C) For any stormwater discharges authorized under any previous version of this general permit, the existing Plan shall be updated by February 1, 2014, as applicable, in accordance with the “Development and Contents of the Plan” (subsection 5(b)(1)), “Stormwater Control Measures” (subsection 5(b)(2)), “Routine Inspections” (subsection 5(b)(4)(B)), and “Monitoring” (subsection 5(c)) sections of this general permit, except for the post-construction measures in subsection 5(b)(2)(C)(i)(a) & (b) and 5(b)(2)(C)(ii)(a). The permittee shall maintain compliance with such Plan thereafter. For previously authorized sites discharging to impaired waters or other sensitive areas, the commissioner may require additional control measures or provide authorization under an individual permit pursuant to Sections 4(h) and 3(i).

(6) Failure to Prepare, Maintain or Amend Plan

In no event shall failure to complete, maintain or update a Plan, in accordance with the “Development of Contents of the Plan” and “Keeping Plans Current” sections (subsections 5(b)(1) and 5(b)(5)) of this general permit, relieve a permittee of responsibility to implement any actions required to protect the waters of the state and to comply with all conditions of the permit.

(7) Plan Signature

The Plan shall be signed and certified as follows:

- (A) The Plan shall be signed by the permittee in accordance with the “Certification of Documents” section (subsection 5(i)) of this general permit.
- (B) The Plan shall include certification by all contractors and subcontractors in accordance with the “Contractors” section (subsection 5(b)(1)(B)(viii)) of this general permit.
- (C) The Plan shall include a copy of the certification by a professional engineer or landscape architect made in accordance with Section 3(b)(9) of this general permit.

(8) Plan Review Certification

For a locally approvable project pursuant to Section 3(c) of this general permit, a copy of the Plan review certification made in accordance with either Section 3(b)(10) or (11) shall be maintained with the Plan. Note that construction activities reviewed and certified pursuant to those sections are still subject to the local erosion and sediment control and stormwater management regulations of the municipality in which the activity is conducted.

(9) Plan Submittal

The Plan shall be submitted to the commissioner and other certain parties under the following conditions:

- (A) All Locally Exempt Projects with greater than one acre of soil disturbance shall submit an electronic copy of the Plan and a completed Registration Form to the commissioner.
- (B) For all other projects, the permittee shall provide a copy of the Plan, and a completed Registration Form for this general permit to the following persons immediately upon request:

- (i) The commissioner at his or her request or at the request of a member of the public during the registration and Plan availability period pursuant to Section 4(e);
- (ii) The municipal planning commission, zoning commission and/or inland wetlands agency, or its respective enforcement officer or designated agent;
- (iii) In the case of a stormwater discharge through a municipal separate storm sewer system, the municipal operator of the system;
- (iv) In the case of a stormwater discharge located within a public drinking water supply watershed or aquifer area, the water company responsible for that water supply.

**DO NOT SUBMIT** any pages or other material that do not pertain to stormwater management or erosion and sedimentation control (such as electrical and lighting plans, boundary or lot surveys, building plans, non-stormwater related detail sheets, etc.).

**(c) Monitoring Requirements**

The primary requirements for monitoring turbidity are summarized in the table below:

Table 1

<i>Area of Soil Disturbance</i>	<i>Monitoring Required?</i>	<i>Monitoring Frequency</i>	<i>Sample Method</i>
Sites which disturb 1 acre or more, but less than 5 acres	Only IF a Registration is required	Monthly IF a Registration is required	Procedure consistent with 40 CFR Part 136
Sites which disturb 5 acres or more	Yes	Monthly	Procedure consistent with 40 CFR Part 136

**(1) Turbidity Monitoring Requirements**

**(A) Monitoring Frequency**

- (i) Sampling shall be conducted in accordance with Table 1, above, at least once every month, when there is a discharge of stormwater from the site while construction activity is ongoing, until final stabilization of the drainage area associated with each outfall is achieved.
- (ii) The permittee is only required to take samples during normal working hours as defined in Section 2. The site's normal working hours must be identified in the Plan pursuant to Section 5(b)(1)(B)(vii). If sampling is discontinued due to the end of normal working hours, the permittee shall resume sampling the following morning or the morning of the next working day following a weekend or holiday, as long as the discharge continues.
- (iii) Sampling may be temporarily suspended any time conditions exist that may reasonably pose a threat to the safety of the person taking the sample. Such conditions may include high winds, lightning, impinging wave or tidal activity, intense rainfall or other

hazardous condition. Once the unsafe condition is no longer present, sampling shall resume.

- (iv) If there is no stormwater discharge during a month, sampling is not required.

(B) Sample Collection

- (i) All samples shall be collected from discharges resulting from a storm event that occurs at least 24 hours after any previous storm event generating a stormwater discharge. Any sample containing snow or ice melt must be identified on the Stormwater Monitoring Report form. Sampling of snow or ice melt in the absence of a storm event is not a valid sample.
- (ii) Samples shall be grab samples taken *at least* three separate times during a storm event and shall be *representative* of the flow and characteristics of the discharge(s). Samples may be taken manually or by an in-situ turbidity probe or other automatic sampling device equipped to take individual turbidity readings (i.e. not composite). The first sample shall be taken within the first hour of stormwater discharge from the site. In cases where samples are collected manually and the discharge begins outside of normal working hours, the first sample shall be taken at the start of normal working hours.

(C) Sampling Locations

- (i) Sampling is required of all point source discharges of stormwater from disturbed areas except as may be modified for linear projects under subparagraph (ii) below. Where there are two or more discharge points that discharge substantially identical runoff, based on similarities of the exposed soils, slope, and type of stormwater controls used, a sample may be taken from just one of the discharge points. In such case, the permittee shall report that the results also apply to the substantially identical discharge point(s). No more than 5 substantially identical outfalls may be identified for one representative discharge. If such project is planned to continue for more than one year, the permittee shall rotate twice per year the location where samples are taken so that a different discharge point is sampled every six months. The Plan must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations.

(ii) Linear Projects

For a linear project, as defined in Section 2, the protocols of subparagraph (i), above, shall apply except that up to 10 substantially identical outfalls may be identified for one representative discharge.

- (iii) All sampling point(s) shall be identified in the Plan and be clearly marked in the field with a flag, stake, or other visible marker.

(D) Sampling and analysis shall be prescribed by 40 CFR Part 136.

(E) Turbidity Values

The stormwater discharge turbidity value for each sampling point shall be determined by taking the average of the turbidity values of all samples taken at that sampling point during a given storm.

(2) Stormwater Monitoring Reports

- (A) Within thirty (30) days following the end of each month, permittees shall enter the stormwater sampling result(s) on the Stormwater Monitoring Report (SMR) form (available at [www.ct.gov/deep/stormwater](http://www.ct.gov/deep/stormwater)) and submit it in accordance with the NetDMR provisions in subsection F, below, or, if the permittee has opted out of NetDMR, to the following address:

Bureau of Materials Management and Compliance Assurance  
Water Permitting and Enforcement Division (Attn: DMR Processing)  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

- (B) If there was no discharge during any given monitoring period, the permittee shall submit the form as required with the words “no discharge” entered in place of the monitoring results.
- (C) If the permittee monitors any discharge more frequently than required by this general permit, the results of this monitoring shall be included in additional SMRs for the month in which the samples were collected.
- (D) If sampling protocols are modified due to the limitations of normal working hours or unsafe conditions in accordance with Section 5(c)(1)(A)(ii) or (iii) above, a description of and reason for the modifications shall be included with the SMR.
- (E) If the permittee samples a discharge that is representative of two or more substantially identical discharge points, the permittee shall include the names or locations of the other discharge points.
- (F) NetDMR Reporting Requirements

- (i) Prior to one-hundred and eighty (180) days after the issuance of this permit, the Permittee may either submit monitoring data and other reports to the Department in hard copy form or electronically using NetDMR, a web-based tool that allows Permittees to electronically submit stormwater monitoring reports through a secure internet connection. Unless otherwise approved in writing by the commissioner, no later than one-hundred and eighty (180) days after the issuance of this permit the Permittee shall begin reporting electronically using NetDMR. Specific requirements regarding subscription to NetDMR and submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

(a) Submittal of NetDMR Subscriber Agreement

On or before fifteen (15) days after the issuance of this permit, the Permittee and/or the person authorized to sign the Permittee’s discharge monitoring reports (“Signatory Authority”) as described in RCSA Section 22a-430-3(b)(2) shall contact the Department at [deep.netdmr@ct.gov](mailto:deep.netdmr@ct.gov) and initiate the NetDMR subscription process for electronic submission of Stormwater Monitoring Report information. Information on NetDMR is available on the Department’s website at [www.ct.gov/deep/netdmr](http://www.ct.gov/deep/netdmr). On or before ninety (90) days after issuance of this permit the Permittee shall submit a signed and notarized copy of the *Connecticut DEEP NetDMR Subscriber Agreement* to the Department.

(b) Submittal of Reports Using NetDMR

Unless otherwise approved by the commissioner, on or before one-hundred and eighty (180) days after issuance of this permit, the Permittee and/or the Signatory Authority shall electronically submit SMRs required under this permit to the Department using NetDMR in satisfaction of the SMR submission requirements of Sections 5(c)(2)(A) of this permit.

SMRs shall be submitted electronically to the Department no later than the 30th day of the month following the completed reporting period. Any additional monitoring conducted in accordance with 40 CFR 136 shall be submitted to the Department as an electronic attachment to the SMR in NetDMR. Once a Permittee begins submitting reports using NetDMR, it will no longer be required to submit hard copies of SMRs to the Department. NetDMR is accessed from: <http://www.epa.gov/netdmr>.

(c) Submittal of NetDMR Opt-Out Requests

If the Permittee is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for electronically submitting SMRs, the commissioner may approve the submission of SMRs in hard copy form (“opt-out request”). Opt-out requests must be submitted in writing to the Department for written approval on or before fifteen (15) days prior to the date a Permittee would be required under this permit to begin filing SMRs using NetDMR. This demonstration shall be valid for twelve (12) months from the date of the Department’s approval and shall thereupon expire. At such time, SMRs shall be submitted electronically to the Department using NetDMR unless the Permittee submits a renewed opt-out request and such request is approved by the Department.

All opt-out requests and requests for the NetDMR subscriber form should be sent to the following address or by email at [deep.netdmr@ct.gov](mailto:deep.netdmr@ct.gov):

**Attn: NetDMR Coordinator**  
**Connecticut Department of Energy and Environmental Protection**  
**79 Elm Street**  
**Hartford, CT 06106-5127**

***(d) Reporting and Record Keeping Requirements***

- (1) For a period of at least five years from the date that construction is complete, the permittee shall retain copies of the Plan and all reports required by this general permit, and records of all data used to complete the registration for this general permit, unless the commissioner specifies another time period in writing. Inspection records must be retained as part of the Plan for a period of five (5) years after the date of inspection.
- (2) The permittee shall retain an updated copy of the Plan required by this general permit at the construction site from the date construction is initiated at the site until the date construction at the site is completed.

**(e) *Regulations of Connecticut State Agencies Incorporated into this General Permit***

The permittee shall comply with sections 22a-430-3 and 22a-430-4 of the Regulations of Connecticut State Agencies which are hereby incorporated into this general permit, as if fully set forth herein.

**(f) *Reliance on Registration***

In evaluating the registrant's registration, the commissioner has relied on information provided by the registrant. If such information proves to be false or incomplete, any authorization reliant on such information may be suspended or revoked in accordance with law, and the commissioner may take any other legal action provided by law.

**(g) *Duty to Correct and Report Violations***

Upon learning of a violation of a condition of this general permit, unless otherwise specified in this general permit, a permittee shall immediately take all reasonable action to determine the cause of such violation, correct and mitigate the results of such violation, prevent further such violation, and report in writing such violation and such corrective action to the commissioner within five (5) days of the permittee's learning of such violation. Such information shall be filed in accordance with the "Certification of Documents" section (Section 5(i)) of this general permit.

**(h) *Duty to Provide Information***

If the commissioner requests any information pertinent to the construction activity or to compliance with this general permit or with the permittee's authorization under this general permit, the permittee shall provide such information within fifteen (15) days of such request or other time period as may be specified in writing by the commissioner. Such information shall be filed in accordance with the "Certification of Documents" section (Section 5(i)) of this general permit.

**(i) *Certification of Documents***

Unless otherwise specified in this general permit, any document, including but not limited to any notice, information or report, which is submitted to the commissioner under this general permit shall be signed by the permittee, or a duly authorized representative of the permittee, 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 this document or its attachments may be punishable as a criminal offense, in accordance with section 22a-6 of the Connecticut General Statutes, pursuant to section 53a-157b of the Connecticut General Statutes, and in accordance with any other applicable statute."

**(j) *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 thereafter.

**(k) *False Statements***

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with section 22a-6 of the Connecticut General Statutes, pursuant to section 53a-157b of the Connecticut General Statutes.

**(l) *Correction of Inaccuracies***

Within fifteen (15) days after the date a permittee 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 permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be filed in accordance with the certification requirements prescribed in Section 5(i) of this general permit.

**(m) *Transfer of Authorization***

Any authorization issued by the commissioner under this general permit is transferable only in accordance with the provisions of section 22a-6o of the General Statutes. Any person or municipality proposing to transfer any such authorization shall submit a license transfer form to the commissioner. The transferee is not authorized to conduct any activities under this general permit until the transfer is approved by the commissioner (typically 30 days). The transferee may adopt by reference the Plan developed by the transferor. The transferee shall amend the Plan as required by the “Keeping Plans Current” Section 5(b)(5) of this general permit).

**(n) *Reopener***

At such time as the USEPA may institute a new rule for post-construction stormwater management or modify the requirements for their National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activities (CGP) to institute a numeric Effluent Limitation Guideline (ELG) for turbidity in stormwater discharges from construction activities, the commissioner may reopen this general permit pursuant to the Section 40 Part 122.62(a) of the Code of Federal Regulations for implementation of these elements.

**(o) *Other Applicable Law***

Nothing in this general permit shall relieve the permittee 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.

**(p) *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 construction activity affected by such general permit. In conducting any construction activity authorized hereunder, the permittee 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 6. Termination Requirements

### (a) *Notice of Termination*

At the completion of a construction project registered pursuant to the “Registration Requirements” section (Section 4) of this general permit, a Notice of Termination must be filed with the commissioner. A project shall be considered complete after all post-construction measures are installed, cleaned and functioning and the site has been stabilized for at least three months following the cessation of construction activities. A site is considered stabilized when there is no active erosion or sedimentation present and no disturbed areas remain exposed **for all phases**.

#### (1) Post-Construction Inspection

For locally approvable projects, once all post-construction stormwater measures have been installed in accordance with the Post-Construction Stormwater Management section (subsection 5(b)(2)(C)) and cleaned of any construction sediment or debris, the registrant shall contact the appropriate Conservation District or a qualified soil erosion and sediment control professional and/or a qualified professional engineer, as appropriate, who will inspect the site to confirm compliance with these post-construction stormwater measures. This person(s) shall not be an employee, as defined by the Internal Revenue Service in the Internal Revenue Code of 1986, of the permittee and shall have no ownership interest of any kind in the project for which the site’s registration was submitted.

#### (2) Final Stabilization Inspection

For all projects, once the site has been stabilized for at least three months, the registrant shall have the site inspected by a qualified inspector to confirm final stabilization. The registrant shall indicate compliance with this requirement on the Notice of Termination form.

### (b) *Termination Form*

A termination notice shall be filed on forms prescribed and provided by the commissioner and shall include the following:

- (1) The permit number as provided to the permittee on the permit certificate.
- (2) The name of the registrant as reported on the general permit registration form (DEEP-PED-REG-015).
- (3) The address of the completed construction site.
- (4) The dates when:
  - (A) All storm drainage structures were cleaned of construction debris pursuant to the “Other Controls” section (subsection 5(b)(2)(D)) of this general permit; and
  - (B) The post-construction inspection was conducted pursuant to subsection 6(a)(1), above; and
  - (C) The date of completion of construction; and
  - (D) The date of the final stabilization inspection pursuant to subsection 6(a)(2), above.
- (5) A description of the post-construction activities at the site.



(6) Signatures of:

(A) The permittee; and

(B) The person certifying the post-construction inspection pursuant to subsection 6(a)(1), above.

**(c) *Where to File a Termination Form***

A termination form shall be filed with the commissioner at the following address:

CENTRAL PERMITS PROCESSING UNIT  
BUREAU OF MATERIALS MANAGEMENT & COMPLIANCE ASSURANCE  
DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION  
79 ELM STREET  
HARTFORD, CT 06106-5127

**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 but not limited to penalties of up to \$25,000 per violation per day under Chapter 446k of the Connecticut General Statutes, 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 permittee'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 to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

**(c) *Filing of an Individual Permit Application***

If the commissioner notifies a permittee in writing that such permittee must obtain an individual permit if he wishes to continue lawfully conducting the construction activity, the permittee shall file an application for an individual permit within thirty (30) days of receiving the commissioner's notice. While such application is pending before the commissioner, the permittee shall continue to comply with the terms and conditions of this general permit. Nothing herein shall affect the commissioner's power to revoke a permittee's authorization under this general permit at any time.

Issued:

May 31, 2018

/s/ Robert E. Kaliszewski

Robert E. Kaliszewski  
Deputy Commissioner

This is a true and accurate copy of the general permit executed on May 31, 2018 by the Department of Energy and Environmental Protection.



# General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities

## APPENDIX A

### Endangered and Threatened Species

In order to be eligible for coverage under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (“GP” or “the GP”), under section 3(b)(2) of the GP, a registrant must ensure that the construction activity, which includes, but is not limited to, excavation, site development or other ground disturbance activities, and stormwater flow, discharges and control measures (“construction activity”), does not threaten the continued existence of any state or federal species listed as endangered or threatened (“listed species”) or result in the destruction or adverse modification of any habitat associated with such species.

In order to prevent significant, unforeseen delays in the processing of a registration under the GP, registrants should assess compliance with section 3(b)(2) early in the planning stages of a project. The Department of Energy and Environmental Protection (“the Department”) strongly recommends that this assessment *be initiated up to one year, or more*, prior to the projected construction initiation date, and even before the purchase of the site of the construction activity. At a minimum, registrants must assess compliance with section 3(b)(2) prior to submission of the Registration Form for the GP.

This Appendix describes the ways that a registrant can comply with section 3(b)(2) of the GP. In connection with the filing of a registration a registrant can perform a self-assessment described in Section 1, seek a limited one-year determination or a safe harbor determination from the Department’s Wildlife Division under Sections 2 or 3, respectively, or stipulate in writing to the presence of listed species or any habitat associated with such species and develop a mitigation plan pursuant to Section 5 of this Appendix. While some means of compliance are more limited than others, the options set out in this Appendix are not mutually exclusive and all options remain available to a registrant. For example, a registrant may perform a self-assessment under Section 1 and seek a safe harbor determination under Section 3 of this Appendix. Provided the requirements of this Appendix are met, the choice of how to proceed is the registrant’s.

### **Section 1. Self Assessment through Natural Diversity Database Map Review and Screening**

Before submission of a registration for coverage under this GP, a registrant must review the current versions of the Department’s Natural Diversity Data Base (“NDDB”) maps. Except as provided for in Sections 2, 3 or 5 of this Appendix, such review must occur no more than six months before such submission. Such review provides a method for screening whether the Department is already aware of listed species that may be present on the site of the construction activity. These maps can be viewed at the following locations:

1. Online at the following links:

[CT DEEP Natural Diversity Data Base Maps](#)  
[CTECO Webpage](#) (in the interactive Simple Map Viewer)

2. At the DEEP Public File Room at 79 Elm Street in Hartford.

## **Screening**

The site of the construction activity must be compared to the shaded areas depicted on the NDDDB map to determine if the site is entirely, partially, or within ¼ mile of a shaded area. If the site is entirely, partially or within a ¼ mile of a shaded area for a listed species a registrant can only achieve compliance with section 3(b)(2) of the GP by obtaining a limited one-year determination under Section 2, a safe harbor determination under Section 3, or an approved mitigation plan under Section 5 of this Appendix from the Department's Wildlife Division.

If the site of the construction activity is not entirely, partially or within ¼ mile of a shaded area, then the Department is not aware of any listed species at the site of the construction activity. Based upon this screening, and provided the registrant has no reasonably available verifiable, scientific or other credible information that the construction activity could reasonably be expected to violate section 3(b)(2) of the GP, when completing the Registration Form for this GP a registrant may check the box that indicates that the construction activity will not impact federal or state listed species.

A registrant using only self-assessment under this section may utilize the results of any such self assessment for up to, but no more than, six months from the date of such assessment. Note, however, that the NDDDB maps are not the result of comprehensive state-wide field investigations, but rather serve as a screening tool. Using such maps as a screening tool does not provide a registrant with an assurance that listed species or their associated habitat may not be encountered at the site of the construction activity. Notwithstanding the NDDDB screening results, if a listed species is encountered at the site of the construction activity, the registrant shall promptly contact the Department and may need to take additional action to ensure that the registrant does not violate section 3(b)(2) of the GP.

## **Section 2. Obtaining a Limited One-Year Determination**

A registrant may seek a written determination from the Department's Wildlife Division, good for one-year, that the proposed construction activity complies with section 3(b)(2) of the GP. To obtain this limited one-year determination, a registrant must, in addition to conducting the NDDDB map review in Section 1 of this Appendix, provide the Department's Wildlife Division with (1) any reasonably available verifiable, scientific or other credible information about whether the construction activity could reasonably be expected to result in a violation of section 3(b)(2) of the GP, and (2) limited information about the site of the proposed construction activity, but less information than would be necessary for a safe harbor determination under Section 3 of this Appendix. The limited information necessary for a one-year determination is on the current "Request for Natural Diversity Database (NDDDB) State Listed Species Review" form on the Department's website. The form and instructions for seeking such a limited one-year determination are available at [www.ct.gov/DEEP/nddbrequest](http://www.ct.gov/DEEP/nddbrequest).

Provided the registrant's information is accurate and the Department's Wildlife Division determines that the construction activity will not violate section 3(b)(2) of the GP, the registrant shall receive a limited one-year determination from the Department. Any such determination may indicate that the construction activity will not impact listed species or their associated habitat, or it may include specific conditions to be implemented to avoid or significantly minimize any impacts that may be encountered at the site of the construction activity. For purposes of submitting a registration for the GP, any such limited one-year determination can be relied upon by the person receiving such determination for one-year from the date of such determination. Like, however, the NDDDB screening procedure in Section 1 of this Appendix, a limited one-year determination does not provide a registrant with an assurance that listed species or their associated habitat may not be encountered at the site of the construction activity. If a listed species is encountered, the registrant shall promptly contact the Department

and may need to take additional action to ensure that the construction activity does not violate section 3(b)(2) of the GP.

If a registrant receives a limited one-year determination from the Department, the registrant should check the limited one-year determination box on the GP registration form and include the Department's one-year limited determination letter if requested on the GP Registration form. Checking the limited one-year determination box on the registration form and failing to provide the determination letter from the Department's Wildlife Division, if requested on the GP Registration form, will delay and may prevent processing of a registration.

If based upon the information provided by a registrant seeking a limited one-year determination the Department's Wildlife Division determines that the construction activity could impact listed species or their associated habitat, or that the Department needs additional information to make a limited one-year determination, the registrant may still achieve compliance with section 3(b)(2) of the GP through providing additional information pursuant to Section 4 or developing a mitigation plan pursuant to Section 5 of this Appendix.

A registrant may request one or more one-year extensions to a limited one-year determination under this section. If the Department's Wildlife Division has prescribed a form for requesting an extension, any such request shall be made using the prescribed form. There is a presumption that requests for a one-year extension of a limited one-year determination shall be granted. However, this presumption can be rebutted if the Department determines that a change in any of the following has occurred since an initial limited one-year determination or any extension was granted: the construction activity affecting or potentially affecting listed species or their associated habitat; the NDDB maps for the site of the construction activity; the limited information upon which a limited one-year determination or any extension was granted; or other information indicative of a change in circumstance affecting listed species or their associated habitat. Any one-year extension granted under this paragraph shall run from the date the Department's Wildlife Division issues its determination to grant an extension and shall be treated as a limited one-year determination as provided for in this section. Any letter granting a one-year extension shall be included with a registration along with the original limited one-year determination as provided for in this section.

### **Section 3. Obtaining a Safe Harbor Determination**

A registrant may seek a written determination from the Department's Wildlife Division, good for three years, with the potential to be extended for an additional year, that proposed construction activity complies with section 3(b)(2) of the GP. Any such determination shall constitute a "safe harbor" for purposes of section 3(b)(2) of the GP.

To obtain a safe harbor determination, a registrant must, in addition to conducting the NDDB review in section 1 of this Appendix, provide the Department's Wildlife Division with any reasonably available verifiable, scientific or other credible information about whether the construction activity could reasonably be expected to result in a violation of section 3(b)(2) of the GP and specific information about the site of the construction activity. The specific information necessary for a safe harbor determination is listed in Attachment A to this Appendix. This information must be sufficient to allow the Wildlife Division to adequately assess the site for potential risks to listed species and their associated habitat. While the Department recognizes certain information is necessary to make a safe harbor determination, it also recognizes that a registrant may need to obtain a safe harbor determination early in its project's approval process in order to make prudent business decisions about purchasing a site or proceeding to final project designs. The form and instructions for seeking a safe harbor determination are available at [www.ct.gov/DEEP/nddbrequest](http://www.ct.gov/DEEP/nddbrequest).

Provided the registrant's information is accurate and the Department's Wildlife Division determines that the construction activity will not violate section 3(b)(2) of the GP, the registrant shall receive a safe harbor determination from the Department. A safe harbor determination may indicate that the construction activity will not impact listed species or their associated habitat, or it may include specific conditions to be implemented to avoid or significantly minimize any impacts that may be encountered at the site of the construction activity. The Department shall honor the safe harbor determination for three years from the date it is issued, meaning that unlike the NDDDB review in Section 1 or the limited one-year determination in Section 2 of this Appendix, if the Department makes a safe harbor determination and a registrant remains in compliance with any conditions in any such determination, irrespective of what may be found at the site of the construction activity, a registrant shall be considered in compliance with section 3(b)(2) of the GP. However, a safe harbor determination shall not be effective if a construction activity may threaten the continued existence of any federally listed species or its critical habitat under federal law. If a federally listed species or its critical habitat is encountered on the site of the construction activity, the registrant shall promptly contact the Department and may need to take additional action to ensure that the construction activity does not violate federal law or section 3(b)(2) of the GP.

If a registrant receives a safe harbor determination from the Department, the registrant should check the safe harbor determination box on the GP registration form and include the Department's safe harbor determination if requested on the GP Registration form. Checking the safe harbor box on the registration form and failing to provide the safe harbor determination letter from the Department's Wildlife Division, if requested on the GP Registration form, will delay and may prevent processing of a registration.

If based upon the information provided by a registrant seeking a safe harbor determination the Department's Wildlife Division determines that the construction activity could impact listed species or their associated habitat, or that the Department needs additional information to make a safe harbor determination, the registrant may still achieve compliance with section 3(b)(2) of the GP through providing additional information pursuant to Section 4 or developing a mitigation plan pursuant to Section 5 of this Appendix.

If a registrant receives a safe harbor determination from the Department's Wildlife Division, anytime during the third year of such safe harbor, a registrant may request a one-year extension of that safe harbor. If the Department's Wildlife Division has prescribed a form for requesting an extension, any such request shall be made using the prescribed form. There is a presumption that a request for a one-year extension of a safe harbor shall be granted. However, this presumption can be rebutted if the Department determines that a change in any of the following has occurred since the safe harbor was granted: the construction activity affecting or potentially affecting listed species or their associated habitat; the NDDDB maps for the site of the construction activity; the information upon which the safe harbor was granted; or other information indicative of a change in circumstance affecting listed species or their associated habitat. A registrant may seek only one extension, for one-year, to a safe harbor determination. Any one-year extension granted under this paragraph shall run from the date of the Department's Wildlife Division issues its determination to grant an extension and shall be honored by the Department in the same manner as a safe harbor determination noted above. Any letter granting a one-year extension shall be included with a registration along with the original limited safe harbor determination as provided for in this section.

#### **Section 4. Providing Additional Information**

For the Department's Wildlife Division to make a limited one-year determination under Section 2 or a safe harbor determination under section 3 of this Appendix, limited additional information may be required to determine if the construction activity would impact listed species or their associated habitat. If the species in question is a state listed endangered or threatened species under section 26-306 of the general statutes, a registrant shall, in consultation with the Department's Wildlife Division, provide the limited additional

information requested by the Department's Wildlife Division. Such information may include, but is not limited to, a survey of specific listed species in question. If the species in question is a federally listed threatened or endangered species, in addition to the Department's Wildlife Division, a registrant shall also consult with the U.S. Fish and Wildlife Service and shall provide any additional information requested by that agency. A registrant that initially sought or obtained a limited one-year determination may, after providing the additional information required under this section request a safe harbor determination under Section 3 of this Appendix.

At any time, as an alternative to proceeding under Section 2, 3 or 4 of this Appendix, a registrant may stipulate, in writing, to the presence of one or more listed species or their associated habitat. A registrant choosing this alternative shall proceed to develop a mitigation plan under Section 5 of this Appendix.

If based upon any additional information provided to the Department's Wildlife Division, and as applicable, the U.S. Fish & Wildlife Service, the Department's Wildlife division determines that construction activity will be in compliance with section 3(b)(2) of the GP, a registrant shall receive a limited one-year determination under Section 2 or a safe harbor determination under Section 3 of this Appendix, as applicable.

If the Department's Wildlife Division determines that additional information is necessary to determine if the construction activity has the potential to impact listed species or their associated habitat, and a registrant chooses to not provide such information, a registrant shall proceed with the self assessment through an NDDB review under Section 1 of this Appendix, or stipulate to the existence of a listed species or associated habitat and develop a mitigation plan under Section 5 or such registrant shall not be eligible to register under the GP.

### **Section 5. Developing a Mitigation Plan**

The Department's Wildlife Division may determine that the construction activity has the potential to adversely impact listed species or their associated habitat. However, it may be possible to modify the construction activity or undertake certain on-site measures to avoid or significantly minimize such impacts. If the species or associated habitat in question is a state listed endangered or threatened species under section 26-306 of the general statutes, a registrant shall consult with the Department's Wildlife Division to determine if an acceptable mitigation plan can be developed so impacts can be avoided or minimized such that a registrant remains in compliance with section 3(b)(2). If the species in question is a federally listed threatened or endangered species, any such consultation shall also include the U.S. Fish and Wildlife Service.

If a registrant in consultation with the Department's Wildlife Division, and as applicable, the U.S. Fish & Wildlife Service, develops a mitigation plan that is approved by the Department's Wildlife Division, or as applicable, the U.S. Fish & Wildlife Service, the registrant shall receive a limited one-year determination under Section 2 or a safe harbor determination under Section 3 of this Appendix. In this situation, in addition to checking the one-year determination box or the safe harbor determination box, as applicable, on the registration form, the registrant shall also check the box on the registration form indicating that it has an approved mitigation plan and provide a status update on the registration form as to whether it has completed or is still in the process of implementing the approved mitigation plan.

If an approved mitigation plan has not been fully implemented by the time a registration is submitted, completing all remaining tasks in the plan shall become an enforceable condition of any registration issued to the registrant.

If the Department determines that the construction activity has the potential to adversely impact listed species or their associated habitat and the registrant and the Department, and as applicable, the U.S. Fish & Wildlife Service, are not able to agree on an acceptable mitigation plan that is approved by the Department, and as applicable, the U.S. Fish & Wildlife Service, any such registrant shall not be eligible to register under the GP.

## **APPENDIX A** **ATTACHMENT A**

### **Specific Information Needed to Apply for a Safe Harbor Determination**

A Safe Harbor Determination will be made upon the submission of a detailed report that fully addresses the matters noted below. For the Department's Wildlife Division to make a safe harbor determination, the report should synthesize and analyze this information, not simply compile information. Those providing synthesis and analysis need appropriate qualifications and experience. A request for a safe harbor determination shall include:

1) Habitat Information, including GIS mapping overlays, identifying:

- wetlands, including wetland cover types;
- plant community types;
- topography;
- soils;
- bedrock geology;
- floodplains, if any;
- land use history; and
- water quality classifications/criteria.

2) Photographs - The report should also include photographs of the site, including all reasonably available aerial or satellite photographs and an analysis of such photographs.

3) Inspection - The report should include a visual inspection(s) of the site, preferably when the ground is visible. This inspection can also be helpful in confirming or further evaluating the items noted above.

4) Biological Surveys - The report should include all biological surveys of the site where construction activity will take place that are reasonably available to a registrant. A registrant shall notify the Department's Wildlife Division of biological studies of the site where construction activity will take place that a registrant is aware of but are not reasonably available to the registrant.

5) Based on items #1 through 4 above, the report shall include a Natural Resources Inventory of the site of the construction activity. This inventory should also include a review of reasonably available scientific literature and any recommendations for minimizing adverse impacts from the proposed construction activity on listed species or their associated habitat.

6) In addition, to the extent the following is available at the time a safe harbor determination is requested, a request for a safe harbor determination shall include and assess:

- Information on Site Disturbance Estimates/Site Alteration information
- Vehicular Use
- Construction Activity Phasing Schedules, if any; and
- Alternation of Drainage Patterns



# **General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities**

## **APPENDIX B**

### **Connecticut Department of Energy & Environmental Protection Inland Water Resources Division Fact Sheet Considering Low Impact Development Principles in Site Design**

In order to reduce the impact of development and address stormwater quality issues, the Department strongly encourages the use of Low Impact Development (LID) measures. LID is a site design strategy intended to maintain or replicate predevelopment hydrology through the use of small-scale controls, integrated throughout the site, to manage stormwater runoff as close to its source as possible. Infiltration of stormwater through LID helps to remove sediments, nutrients, heavy metals, and other types of pollutants from runoff.

#### **Key Strategies for LID**

Key strategies for effective LID include: infiltrating, filtering, and storing as much stormwater as feasible, managing stormwater close to where the rain/snow falls, managing stormwater at multiple locations throughout the landscape, conserving and restoring natural vegetation and soils, preserving open space and minimizing land disturbance, designing the site to minimize impervious surfaces, and providing for maintenance and education. Water quality and quantity benefits are maximized when multiple techniques are grouped together. In areas of compacted and/or possibly contaminated soils, soil suitability should be further investigated prior to selecting optimum treatment and/or remediation measures. Where soil conditions permit, the DEEP encourages the utilization of one, or a combination of, the following measures:

- the use of pervious pavement or grid pavers (which are very compatible for parking lot and fire lane applications), or impervious pavement without curbs or with notched curbs to direct runoff to properly designed and installed infiltration areas;
- the use of vegetated swales, tree box filters, and/or infiltration islands to infiltrate and treat stormwater runoff (from building roofs, roads, and parking lots);
- the minimization of access road widths and parking lot areas to the maximum extent possible to reduce the area of impervious surface;
- the use of dry wells to manage runoff from building roofs;
- incorporation of proper physical barriers or operational procedures for special activity areas where pollutants could potentially be released (e.g. loading docks, maintenance and service areas, dumpsters, etc.);
- the installation of rainwater harvesting systems to capture stormwater from building roofs for the purpose of reuse for irrigation (i.e. - rain barrels for residential use and cisterns for larger developments);
- the use of residential rain gardens to manage runoff from roofs and driveways;
- the use of vegetated roofs (green roofs) to detain, absorb, and reduce the volume of roof runoff; and
- providing for pollution prevention measures to reduce the introduction of pollutants to the environment.

The [2004 Stormwater Quality Manual LID Appendix](#) and the [2002 Erosion and Sediment Control Guidelines LID Appendix](#) both provide guidance on implementing LID measures. A guide to LID resources can also be found in the [DEEP Low Impact Development Resources Factsheet](#) (PDF).

#### **LID in Urban Areas**

If the proposed site is located in a highly urbanized area, it is likely underlain by urban land complex soils. The Natural Resources Conservation Service (NRCS) Soil Web Survey (<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>) provides information on soil textures, parent materials, slopes, height of seasonal high water table, depth to restrictive layer, and permeability. In highly developed areas, infiltration may be limited due to the high percentage of impervious cover. However, infiltration practices may be suitable at urban sites depending on:

- Potential contamination of soils in historically industrialized areas. The siting of areas for infiltration must consider any existing soil or groundwater contamination.
- Site specific soil conditions. NRCS mapping consists of a minimum 3 acres map unit and soils may vary substantially within each mapping unit. Test pits should be dug in areas planned for infiltration practices to verify soil suitability and/or limitations.
- Investigation of areas of compacted soils and the utilization of proper construction staging. Planning should insure that areas to be used for infiltration are not compacted during the construction process by vehicles or machinery.

Even if infiltration is limited at a site, it is still possible to implement LID practices. Specifically, potential exists for the installation of green roofs on buildings and/or the use of cisterns to capture and reuse rainwater.

### **LID in Areas with a High Seasonal Water Table or Hardpan Layer**

- The impact of stormwater runoff to any streams and/or wetlands near the site should be considered. Water quality treatment is influenced by hydraulic conductivity and time of travel. If stormwater infiltration is limited by an impermeable layer close to the surface, the water may run laterally through the ground and discharge to the stream or wetlands, providing limited water quality treatment. However, a longer time of travel may provide sufficient treatment. Proper soil testing for infiltration potential will increase the likelihood of successful BMP design.
- In areas with a high seasonal water table, bioretention areas/rain gardens should be planted with water tolerant/wetland plants. The presence of a high seasonal water table suggests that water may drain slowly or not at all during certain parts of the year. Planting native wetland vegetation will help to ensure plant survival and increase the effectiveness of bioretention practices. Information on native plantings that are both drought tolerant and tolerant of wet conditions can be found in The UConn Cooperative Extension System's guide to building a rain garden at [http://nemo.uconn.edu/publications/rain\\_garden\\_broch.pdf](http://nemo.uconn.edu/publications/rain_garden_broch.pdf). Native plant lists for Connecticut can also be found at <http://www.fhwa.dot.gov/environment/rdsduse/ct.htm>.

### **LID Guidance for Federal Projects**

- LID techniques have been utilized by Department of Defense (DoD) agencies during the last several years. The effectiveness of these projects in managing runoff as well as reducing construction and maintenance costs has created significant interest in LID. The DoD has created a Unified Facilities Criteria document, Low Impact Development that provides guidelines for integrating LID planning and design into a facility's regulatory and resource protection programs. It is available on-line at: [http://www.wbdg.org/ccb/DOD/UFC/ufc\\_3\\_210\\_10.pdf](http://www.wbdg.org/ccb/DOD/UFC/ufc_3_210_10.pdf).
- Section 438 of the Energy Independence and Security Act (EISA) of 2007 requires federal agencies to reduce stormwater runoff from federal development projects to protect water resources. In December 2009, the EPA developed a technical guidance document on implementing the stormwater runoff requirements for federal projects under Section 438 of EISA. The document contains guidance on how compliance with Section 438 can be achieved, measured and evaluated and can be found at: [http://www.epa.gov/owow/NPS/lid/section438/pdf/final\\_sec438\\_eisa.pdf](http://www.epa.gov/owow/NPS/lid/section438/pdf/final_sec438_eisa.pdf).

### **For more information contact the CT DEEP Watershed Management/Low Impact Development Program:**

Name	Area	Telephone
MaryAnn Nusom Haverstock	Program Oversight/ Low Impact Development	(860) 424-3347
Chris Malik	Watershed Manager	(860) 424-3959
Susan Peterson	Watershed Manager	(860) 424-3854
Eric Thomas	Watershed Manager	(860) 424-3548

## List of Runoff Reduction/LID Practices

Re-Forestation
Disconnection of Rooftop Runoff
Disconnection of Non-Rooftop Runoff
Sheetflow to Conservation Areas
Green Roof
Permeable Pavement
Rainwater Harvesting
Submerged Gravel Wetlands
Micro-Infiltration
Rain Gardens
Bioretention
Landscape Infiltration
Grass Swales
Bio-swales
Wet Swales
Stormwater Ponds
Stormwater Wetlands
Stormwater Filtering Systems
Stormwater Infiltration





## General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities

### APPENDIX C

#### AQUIFER PROTECTION AREAS AND OTHER GROUNDWATER DRINKING SUPPLY AREAS GUIDANCE INFORMATION

The Pollution Control Plan (“the Plan”) should consider measures to reduce or mitigate potential impacts to both ground water (aquifers) and surface waters, taking into consideration both quantity and quality of the runoff. The emphasis should be to minimize, to the extent possible, changes between pre-development and post-development runoff rates and volumes.

The basic stormwater principals for Aquifer Protection Areas (and other groundwater drinking supply areas) are to prevent inadvertent pollution discharges/releases to the ground, while encouraging recharge of stormwater where it does not endanger groundwater quality. Measures include:

- prevent illicit discharges to storm water, including fuel/chemical pollution releases to the ground;
- minimize impervious coverage and disconnect large impervious areas with natural or landscape areas;
- direct paved surface runoff to aboveground type land treatment structures – sheet flow, surface swales, depressed grass islands, detention/retention and infiltration basins, and wet basins. These provide an opportunity for volatilization of volatile organic compounds to the extent possible before the stormwater can infiltrate into the ground;
- provide necessary impervious pavement in high potential pollutant release areas. These “storm water hot spots” include certain land use types or storage and loading areas, fueling areas, intensive parking areas and roadways (see table below);
- only use subsurface recharge structures such as dry wells, galleries, or leaching trenches, to directly infiltrate clean runoff such as rooftops, or other clean surfaces. These structures do not adequately allow for attenuation of salts, solvents, fuels or other soluble compounds in groundwater that may be contained in runoff; and
- restrict pavement deicing chemicals, or use an environmentally suitable substitute such as sand only, or alternative de-icing agents such as calcium chloride or calcium magnesium.

**Infiltration** of stormwater should be **restricted** under the following site conditions:

- ***Land Uses or Activities with Potential for Higher Pollutant Loads:*** Infiltration of stormwater from these land uses or activities (refer to Table 7-5 below), also referred to as stormwater “hotspots,” can contaminate public and private groundwater supplies. Infiltration of stormwater from these land uses or activities may be allowed by the review authority with appropriate pretreatment. Pretreatment could consist of one or a combination of the primary or secondary treatment practices described in the Stormwater Quality Manual provided that the treatment practice is designed to remove the stormwater contaminants of concern.
- ***Subsurface Contamination:*** Infiltration of stormwater in areas with soil or groundwater contamination such as brownfield sites and urban redevelopment areas can mobilize contaminants.
- ***Groundwater Supply and Wellhead Areas:*** Infiltration of stormwater can potentially contaminate groundwater drinking water supplies in immediate public drinking water wellhead areas.

## Land Uses or Activities with Potential for Higher Pollutant Loads

Table 7-5 of the 2004 Stormwater Quality Manual

<u>Land Use/Activities</u>	
<ul style="list-style-type: none"><li>• Industrial facilities subject to the DEEP Industrial Stormwater General Permit or the U.S. EPA National Pollution Discharge Elimination System (NPDES) Stormwater Permit Program</li><li>• Vehicle salvage yards and recycling facilities</li><li>• Vehicle fueling facilities (gas stations and other facilities with on-site vehicle fueling)</li><li>• Vehicle service, maintenance, and equipment cleaning facilities</li><li>• Fleet storage areas (cars, buses, trucks, public works)</li><li>• Commercial parking lots with high intensity use (shopping malls, fast food restaurants, convenience stores, supermarkets, etc.)</li><li>• Public works storage areas</li></ul>	<ul style="list-style-type: none"><li>• Road salt storage facilities (if exposed to rainfall)</li><li>• Commercial nurseries</li><li>• Flat metal rooftops of industrial facilities</li><li>• Facilities with outdoor storage and loading/unloading of hazardous substances or materials, regardless of the primary land use of the facility or development</li><li>• Facilities subject to chemical inventory reporting under Section 312 of the Superfund Amendments and Reauthorization Act of 1986 (SARA), if materials or containers are exposed to rainfall</li><li>• Marinas (service and maintenance)</li><li>• Other land uses and activities as designated by the review authority</li></ul>

For further information regarding the design of stormwater collection systems in Aquifer Protection Areas, contact the Aquifer Protection Area Program at (860) 424-3020 or visit [www.ct.gov/deep/aquiferprotection](http://www.ct.gov/deep/aquiferprotection).



**General Permit for the Discharge of Stormwater and Dewatering Wastewaters  
from Construction Activities**

**APPENDIX D**

**Coastal Management Act Determination Form**

For sites within the Coastal Boundary, please attach this form and written approval from the local governing authority (or verification of exemption) to the Registration Form for the Discharge of Stormwater and Dewatering Wastewaters From Construction Activities.

**SITE INFORMATION**

Future Permittee _____
Mailing Address _____
Business Phone _____ ext.: _____ Fax: _____
Contact Person _____ Title: _____
Site Name _____
Site Address/ Location _____
Site Latitude and Longitude _____
Receiving Water (name, basin) _____
Project Description _____
_____

**STATEMENT OF REVIEW:**

<p>The above referenced project is consistent with the goals and policies in section 22a-92 of the Connecticut General Statutes and will not cause adverse impacts to coastal resources as defined in section 22a-93(15) of the Connecticut General Statutes.</p> <p>Date of Coastal Site Plan Approval: _____</p> <p><input type="checkbox"/> Copy of written approval attached, or</p> <p><input type="checkbox"/> Verification of exemption attached</p>
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**APPENDIX E**  
**(Exhibit 3 of District/DEEP Memorandum of Agreement)**

**Conservation Districts of Connecticut**  
**Regional Delineations and Contact Information**

Northwest Conservation District  
1185 New Litchfield Street  
Torrington, CT 06790  
Ph: 860-626-7222  
Fax: 860-626-7222  
Email: [ncd@conservect.org](mailto:ncd@conservect.org)

Eastern Connecticut Conservation District  
238 West Town Street  
Norwich, CT 06360-2111  
Ph: 860-887-4163 x 400 Fax: 860-887-4082  
Email: [kate.johnson.eccd@comcast.net](mailto:kate.johnson.eccd@comcast.net)

Connecticut River Coastal Conservation District, Inc.  
deKoven House Community Center  
27 Washington Street  
Middletown, CT 06457  
Ph: 860-346-3282 Fax: 860-346-3284  
Email: [ctrivercoastal@conservect.org](mailto:ctrivercoastal@conservect.org)

Southwest Conservation District  
51 Mill Pond Road  
Hamden, CT 06514  
Ph: 203-287-8179 Fax: 203-288-5077  
Email: [swcd43@sbcglobal.net](mailto:swcd43@sbcglobal.net)

North Central Conservation District  
24 Hyde Avenue  
Vernon, CT 06066  
Ph: 860-875-3881 Fax: 860-870-8973  
Email: [tollandc@snet.net](mailto:tollandc@snet.net)

<b>NORTHWEST</b>	<b>SOUTHWEST</b>	<b>NORTH CENTRAL</b>	<b>CT RIVER COASTAL</b>	<b>EASTERN</b>
Barkhamsted	Ansonia	Avon	Berlin	Andover
Bethel	Beacon Falls	Bloomfield	Chester	Ashford
Bethlehem	Bethany	Bolton	Clinton	Bozrah
Bridgewater	Branford	Bristol	Colchester	Brooklyn
Brookfield	Bridgeport	Burlington	Cromwell	Canterbury
Canaan	Cheshire	Canton	Deep River	Chaplin
Colebrook	Darien	Coventry	Durham	Columbia
Cornwall	Derby	East Granby	East Haddam	Eastford
Danbury	East Haven	East Hartford	East Hampton	East Lyme
Goshen	Easton	East Windsor	Essex	Franklin
Hartland	Fairfield	Ellington	Haddam	Griswold
Harwinton	Greenwich	Enfield	Hebron	Groton
Kent	Guilford	Farmington	Killingworth	Hampton
Litchfield	Hamden	Glastonbury	Lyme	Killingly
Morris	Meriden	Granby	Madison	Lebanon
New Fairfield	Middlebury	Hartford	Marlborough	Ledyard
New Hartford	Milford	Manchester	Middlefield	Lisbon
New Milford	Monroe	Plainville	Middletown	Mansfield
Newtown	Naugatuck	Simsbury	Newington	Montville
Norfolk	New Canaan	Somers	New Britain	New
North Canaan	New Haven	South Windsor	Old Lyme	London
Plymouth	North Branford	Stafford	Old Saybrook	North
Roxbury	North Haven	Suffield	Portland	Stonington
Salisbury	Norwalk	Tolland	Rocky Hill	Norwich
Sharon	Orange	Vernon	Salem	Plainfield
Sherman	Oxford	West Hartford	Westbrook	Pomfret
Southbury	Prospect	Wethersfield		Preston
Thomaston	Redding	Willington		Putnam
Torrington	Ridgefield	Windsor		Scotland
Warren	Seymour	Windsor Locks		Sprague
Washington	Shelton			Sterling
Watertown	Southington			Stonington
Winchester	Stamford			Thompson
Woodbury	Stratford			Union
	Trumbull			Voluntown
	Wallingford			Waterford
	Waterbury			Windham
	West Haven			Woodstock
	Weston			
	Westport			
	Wilton			
	Wolcott			
	Woodbridge			

## **APPENDIX F**

### **Memorandum of Agreement Between The Connecticut Department of Energy & Environmental Protection and the Conservation Districts of Connecticut**

**WHEREAS**, the Commissioner of the Department of Energy and Environmental Protection (“Department” or “DEEP”) is authorized by section 22a-6(2)(3) and (4) of the Connecticut General Statutes (“CGS”) to enter into this Agreement; and

**WHEREAS**, the five Conservation Districts of Connecticut (collectively, the “Districts”), are not-for-profit corporations duly authorized, organized and existing under the laws of the State of Connecticut and are authorized by section 22a-315 of the CGS and section 22a-315-14 of the Regulations of Connecticut State Agencies to enter into this Agreement; and

**WHEREAS**, section 22a-430b of the Connecticut General Statutes requires the Department to regulate stormwater discharges from construction activities under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities (“the Construction General Permit” or “CGP”), which has been or shall be issued on October 1, 2013. The Construction General Permit requires the implementation of erosion and sedimentation controls to control the discharge of sediment from construction and post-construction discharges; and

**WHEREAS**, Construction General Permits require the preparation and implementation of a Stormwater Pollution Control Plan (“Plan” or “SWPCP”) to prevent erosion and the discharge of sediment to the waters of the state; and

**WHEREAS**, pursuant to section 22a-315 of the CGS, soil and water conservation districts and boards were established to advise the Commissioner on matters of soil and water conservation and erosion and sedimentation control and to assist the Commissioner in implementing programs related to soil and water conservation and erosion and sediment control; and

**WHEREAS**, pursuant to section 22a-315 of the CGS, the soil and water conservation districts and boards may receive funds from private sources for services provided to promote soil and water conservation and to assist the Commissioner in the implementation of related programs; and

**WHEREAS**, section 22a-326 of the CGS declares the policy of the state “to strengthen and extend its erosion and sediment control activities and programs and to establish and implement, through the Council on Soil and Water Conservation, soil and water conservation districts, the municipalities and the Commissioner of Energy and Environmental Protection, a state-wide coordinated erosion and sediment control program which shall reduce the danger from storm water runoff, minimize nonpoint sediment pollution from land being developed and conserve and protect the land, water, air and other environmental resources of the state;” and

**WHEREAS**, the Districts have understanding and experience in reviewing erosion and sediment control plans because of their longstanding participation in the municipal approval process, as required by section 22a-329 of the CGS; and

**WHEREAS**, DEEP and the Districts are jointly dedicated to protecting the waters of the state by controlling the discharge of sediment and the pollution resulting from stormwater runoff.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions hereinafter stated, the Parties agree as follows:

## **I. RESPONSIBILITIES OF THE CONSERVATION DISTRICTS.**

For locally approvable projects, as defined in the Construction General Permit, with five (5) or more acres of soil disturbance, the appropriate District (as specified in Appendix E of the Construction General Permit, appended hereto as Exhibit 3) shall review Stormwater Pollution Control Plans submitted to the District in accordance with Section 3(b)(10) of the CGP, shall determine whether each such SWPCP is consistent with the requirements of the CGP, and shall advise the Commissioner in writing of its determination regarding the SWPCP's consistency.

### **A. Components of the SWPCP Review by the Districts**

#### **1. Requirements for Conducting a Review:**

(a) SWPCP review shall be conducted by a District representative having one or more of the following minimum qualifications: (i) a bachelor's degree in hydrology, engineering (agricultural, civil, environmental, or chemical), landscape architecture, geology, soil science, environmental science, natural resources management, or a related field and two years of professional and field experience, or (ii) the EnviroCert International, Inc. designation as a Certified Professional in Erosion and Sediment Control, or a Certified Professional in Storm Water Quality.

(b) All SWPCP reviews undertaken by a District shall be conducted in accordance with the guidelines and procedures established by DEEP in consultation with the Districts, as further described below, and shall include at least one inspection, and no more than 3 inspections, of the project site.

(c) The District shall begin a SWPCP review upon the receipt of the all of following: the developer's request for review, two copies of the proposed SWPCP, the payment of required fee in the amount specified in Exhibit 1 and the written permission of the developer to enter onto and inspect the project site. Once the District is in receipt of all the documents and the fee as delineated above, the developer's SWPCP shall be considered submitted to the District.

#### **2. Determinations of Consistency by the District after Review of the SWPCP and Subsequent Procedures**

(a) If the District determines the developer's SWPCP is:

(i) Consistent with the requirements of the Construction General Permit, the District shall issue an affirmative determination notice to both the developer or such developer's designee and to DEEP in order to advise them of the adequacy of the SWPCP. The District shall also provide a copy of the SWPCP to DEEP if requested by the Commissioner.

(ii) Not consistent with the requirements of the Construction General Permit, the District shall provide a written notice of such inconsistency to the developer or such developer's designee; such notice shall include a list of the SWPCP's deficiencies and any appropriate explanatory comments.

(b) If the developer's SWPCP is found to be inconsistent with the CGP, the developer may revise the SWPCP (the "Revised SWPCP") to address any deficiencies noted by the District and resubmit its Revised SWPCP to the District for review.

(c) If the District receives a Revised SWPCP in accordance with subsection (b) above, the District shall perform a review of the Revised SWPCP. If the Revised SWPCP is deemed:

(i) Consistent with the requirements of the Construction General Permit, the District shall (1) issue an affirmative determination notice to both the project developer or such project developer's designee and to DEEP to advise them of the adequacy of the SWPCP and (2) provide a copy of the SWPCP to the DEEP if requested by the Commissioner; or

(ii) Not consistent with the requirements of the CGP after this review, the District shall provide a written notice of such inconsistency to the developer or such developer's designee. This notice shall include a list of all remaining SWPCP deficiencies and any explanatory comments as appropriate.

(d) In the event the District determines after review of the Revised SWPCP in accordance with subsection (c), above, that the Revised SWPCP remains inconsistent with the requirements of the Construction General Permit, and the developer resubmits its Revised SWPCP *within 180 calendar days* of the District's original determination of inconsistency, the resubmitted Revised SWPCP shall be considered a Resubmission. As such, the resubmitted Revised SWPCP shall be reviewed by the District in accordance with the timeframes set forth in Section I.B., and other applicable sections of this document, and the fee shall be in accordance with Section II, below, and the Resubmission Fee in Exhibit 1.

(e) In the event the District determines after review of the Revised SWPCP in accordance with subsection (c), above, that the Revised SWPCP remains inconsistent with the requirements of the Construction General Permit, and the developer resubmits its Revised SWPCP *more than 180 calendar days after* the District's original determination of inconsistency, the resubmitted Revised SWPCP shall be considered a new submission. The newly submitted Revised SWPCP shall be reviewed by the District in accordance with the timeframes set forth in Section I.B., and other applicable sections of this document, and the fee shall be in accordance with Section II, below, and the SWPCP Review Fee in Exhibit 1.

(f) Revisions to a SWPCP subsequent to the District's prior approval of developer's SWPCP

(i) In the event the developer revises a SWPCP after the District has determined that the developer's SWPCP, prior to this revision, was consistent with the requirements of the Construction General Permit, and the developer submits the revised SWPCP to the District for review *within 180 calendar days* of the District's original determination of consistency, the SWPCP shall be considered a Post-Approval Resubmission. As a Post-Approval Resubmission, the SWPCP shall be reviewed by the District in accordance with the timeframes set forth in Section I.B., and other applicable sections of this document, and the fee shall be in accordance with Section II, below, and the Post-Approval Resubmission Fee in Exhibit 1.

(ii) In the event the developer revises a SWPCP after the District has determined that the developer's SWPCP, prior to this revision, was consistent with the requirements of the Construction General Permit, and the developer submits the revised SWPCP to the District for review *more than 180 calendar days after* the District's original determination of consistency, the SWPCP shall be considered a new submission. The newly submitted SWPCP shall be reviewed by the District in accordance with the timeframes set forth in Section I.B., and other applicable sections of this document, and the fee shall be in accordance with Section II, below, and the SWPCP Review Fee in Exhibit 1.

## **B. Plan Review Timeframes**

1. The District shall review a new submission of a SWPCP submitted by a developer or such developer's designee and provide review comments within thirty (30) calendar days of the date of a complete submission as specified in Section I.A.1.(c).
2. If the District identifies deficiencies in the SWPCP, the District shall allow the developer or such developer's designee the opportunity to revise their SWPCP and resubmit it to the District within fifteen (15) calendar days after the date of mailing or delivery of the District's written comments to the developer or such developer's designee.
3. The District shall review any SWPCP revised in accordance with subsection I.B.2., above, and provide a written determination of the SWPCP's consistency or inconsistency within fifteen (15) calendar days after the submission of the revised SWPCP.
4. At the request of the District or the developer and with the agreement of both the District and the developer, the deadlines stated in subsections 1. – 3., above, may be extended. However, any such extensions shall be limited to no more than double the original amount of time allowed above for the relevant action.
5. Express review of a SWPCP may be requested by a developer. However, the Districts shall have complete discretion to accept or decline such request for an express review based on the District's circumstances, including, but not limited to: their existing workload, vacation schedules and staffing. If a District grants an express review, the timeframe shall be reduced to no more than one third of the timeframes noted in subsection 1. – 3., above, and the fee shall be in accordance with the Express Reviews fee in Exhibit 1.
6. In the event a District does not complete the review of the SWPCP within sixty (60) days (or within the time allowed under any authorized extension pursuant to subsection B.4, above, but in no circumstance later than 120 days) of the date the SWPCP was initially submitted to the District, and provided such delay is not the result of the developer's or such developer's designee's failure to address SWPCP deficiencies as noted in subsection B.2, above, the District shall:
  - (a) not later than three (3) days after the District's deadline, notify the DEEP that the developer shall be initiating the registration process for the Construction General Permit in accordance with section I.B of this Agreement, for completion of the SWPCP review, and;
  - (b) provide to the DEEP, upon request, the District's complete file, including supporting documentation the developer's SWPCP consistency determination, including, but not limited to, the SWPCP, any other documentation submitted to the District by or on behalf of a developer, and any analysis already performed by the District; and
  - (c) not later than seven (7) days after the District's deadline, in accordance with section I.B of this Agreement, for completion of the SWPCP review, transfer to the DEEP, up to a maximum of \$4,500, the fees that were originally submitted by the developer.

## **C. Inspections of the Project Site**

1. Prior to the commencement of project construction and during the course of the SWPCP review process, the District shall conduct at least one inspection of the project site.
2. Once the construction of the project has begun, a District shall make at least one, but not more than three, inspection(s) of the project site to verify that the developer's SWPCP is being

implemented as approved by the District. A District shall report the results of the inspection(s) to the developer or such developer's designee and to DEEP in a manner prescribed by the Commissioner.

3. Upon notification from the developer or developer's designee, in accordance with Section 6(a)(1) of the CGP, that construction of the stormwater collection and management system is complete, the District shall conduct one inspection of the project site to verify that the post-construction stormwater management measures were completed in accordance with the approved SWPCP. The District shall report the results of this inspection to DEEP in a manner prescribed by the Commissioner.

#### **D. Audits**

The District agrees that all records pertaining to this Agreement shall be maintained for a period of not less than five (5) years. Such records shall be made available to the DEEP and to the state auditors upon request. For the purposes of this Agreement, "Records" are all working papers and such information and materials as may have been accumulated by the District in performing the Agreement, including, but not limited to, documents, data, analysis, plans, books, computations, drawings, specifications, notes, reports, records, estimates, summaries and correspondence, kept or stored in any form.

### **II. FEE SCHEDULE.**

**A.** A District may assess fees for the services it renders in conjunction with its SWPCP reviews. Such fees shall be paid as follows:

1. All fees, except those described in subsection II.A.2, below, shall be submitted by the developer to the District with the developer's request for review. These fees are non refundable.
2. The fee for Post-Approval Resubmission, as designated in Exhibit 1, shall be submitted by the developer to the District upon completion of the District's review, prior to release of the determination notice, and is non refundable.

**B.** The Fee Schedule shall be reviewed annually by the Parties. The Fee Schedule may be adjusted as warranted, without a formal amendment to this Agreement, by mutual agreement between the Districts and the Commissioner.

### **III. RESPONSIBILITIES OF DEEP.**

**A.** In accordance with the Construction General Permit requirements for SWPCP reviews by a third party, DEEP shall conduct outreach to inform the development community that a District may review SWPCPs for consistency with the requirements of the Construction General Permit. DEEP shall also inform the development community that a registration form for authorization under the Construction General Permit may only be submitted to DEEP if: the District, or other third party in accordance with Section 3(b)(11) of the CGP, determines that the SWPCP is consistent with the requirements of the CGP, or in the event the time schedule is exceeded for a District review as described in section I.B.6, above.

**B.** In order to institute standard SWPCP review guidelines and procedures, DEEP shall coordinate with the Districts to prepare a SWPCP checklist. The standard review guidelines and procedures established shall be consistent with the requirements of the Construction General Permit, the 2002 CT Guidelines for Soil Erosion and Sedimentation Control, and the 2004 Stormwater Quality Manual. The Commissioner shall have final approval of the review guidelines and procedures.

**C.** DEEP shall provide initial training regarding SWPCP requirements for District staff involved in SWPCP reviews. The frequency of subsequent training shall be determined by the Commissioner.

**D.** DEEP shall retain final decision making authority regarding the determination that a SWPCP is or is not consistent with the requirements of the Construction General Permit and shall oversee the permitting process for Construction General Permit coverage.

**E.** Once a SWPCP has been approved, DEEP shall oversee any subsequent compliance and/or enforcement matters related to a developer's adherence to the requirements of the Construction General Permit.

**F.** DEEP shall have the discretion to review any of the Districts' records pertaining to any aspect this Agreement.

#### **IV. POINTS OF CONTACT.**

The following shall be points of contact for this Agreement unless otherwise agreed to by all Parties, notwithstanding section VI. All notices, demands, requests, consents, approvals or other communications required or permitted to be given or which are given with respect to this Agreement (for the purpose of this section collectively called "Notices") shall be deemed to have been effected at such time as the notice is placed in the U.S. mail, first class and postage prepaid, return receipt requested, or, placed with a recognized, overnight express delivery service that provides for a return receipt. All such Notices shall be in writing and shall be addressed as follows:

**A. DEEP**

Director

Water Permitting & Enforcement Division

Bureau of Material Management & Compliance Assurance

Department of Energy & Environmental Protection

79 Elm St.

Hartford, CT 06106

Phone: 860-424-3018

Fax: 860-424-4074

**B. Conservation District**

Board Chairperson

Address & Phone of appropriate District:

Northwest Conservation District

1185 New Litchfield Street

Torrington, CT 06790

Ph: 860-626-7222

Fax: 860-626-7222

Email: [ncd@conservect.org](mailto:ncd@conservect.org)

Eastern Connecticut Conservation District

238 West Town Street

Norwich, CT 06360-2111

Ph: 860-887-4163 x 400 Fax: 860-887-4082

Email: [kate.johnson.eccd@comcast.net](mailto:kate.johnson.eccd@comcast.net)



Connecticut River Coastal Conservation District, Inc.  
deKoven House Community Center  
27 Washington Street  
Middletown, CT 06457  
Ph: 860-346-3282 Fax 860-346-3284  
Email: ctrivercoastal@conservect.org

Southwest Conservation District  
51 Mill Pond Road  
Hamden, CT 06514  
Ph: 203-287-8179 Fax: 203-288-5077  
Email: swcd43@sbcglobal.net

North Central Conservation District  
24 Hyde Avenue  
Vernon, CT 06066  
Ph: 860-875-3881 Fax: 860-870-8973  
Email: tollandc@snet.net

**V. EXECUTIVE ORDERS AND ANTI-DISCRIMINATION.** The Districts shall comply with the additional terms and conditions hereto attached as Exhibit 2.

**VI. AMENDMENTS.** Either the DEEP or the Districts may recommend revisions to this Agreement as circumstances may warrant; however, any revisions must be upon mutual agreement of DEEP and all five Conservation Districts. Unless otherwise stated in this Agreement, formal written amendment is required for changes to any of the terms and conditions specifically stated in the Agreement, including Exhibit 2 of the Agreement, any prior amendments to the Agreement, and any other Agreement revisions determined material by the Department.

**VII. SEVERABILITY.** The provisions of this Agreement are severable. If any part of it is found unenforceable, all other provisions shall remain fully valid and enforceable, unless the unenforceable provision is an essential element of the bargain.

**VIII. SOVEREIGN IMMUNITY.** The Parties acknowledge and agree that nothing in the Agreement shall be construed as a modification, compromise or waiver by the State of any rights or defenses of any immunities provided by federal law or the laws of the State of Connecticut to the State or any of the State's, which they may have had, now have or shall have with respect to all matters arising out of the Agreement. To the extent that this section conflicts with any other section, this section shall govern.

**IX. FORUM AND CHOICE OF LAW.** The Agreement shall be deemed to have been made in the City of Hartford, State of Connecticut. Both Parties agree that it is fair and reasonable for the validity and construction of the Agreement to be, and it shall be, governed by the laws and court decisions of the State of Connecticut, without giving effect to its principles of conflicts of laws. To the extent that any immunities provided by federal law or the laws of the State of Connecticut do not bar an action against the State or the Districts, and to the extent that these courts are courts of competent jurisdiction, for the purpose of venue, the complaint shall be made returnable to the Judicial District of Hartford only or shall be brought in the United States District Court for the District of Connecticut only, and shall not be transferred to any other court, provided, however, that nothing here constitutes a waiver or compromise of the sovereign immunity of the State of Connecticut. The Districts waive any objection which they may now have or shall have to the laying of venue of any Claims in any forum and further irrevocably submits to such jurisdiction in any suit, action or proceeding.

**X. TERMINATION.** Notwithstanding any provisions in this Agreement, DEEP, through a duly

authorized employee, may terminate the Agreement whenever the Agency makes a written determination that such Termination is in the best interests of the State. The Agency shall notify the Districts in writing sent by certified mail, return receipt requested, which notice shall specify the effective date of Termination and the extent to which the Districts must complete its Performance under the Agreement prior to such date; or (b) The Districts may terminate the Agreement for good cause. The Districts shall notify DEEP by written notice at least one hundred eighty (180) days prior to the effective date of termination. In order for the Districts to terminate this Agreement, (1) there must be a consensus between all five Conservation Districts that each District shall be terminating this Agreement with the DEEP; (2) such proof of consensus shall be submitted to the DEEP in the form of a letter signed by the duly authorized agent for each District by certified mail, return receipt requested, at least one hundred eighty (180) days prior to the Districts' intention to cancel or terminate. Upon the Termination of this Agreement by either Party, the Districts shall deliver to the Agency copies of all Records no later than thirty (30) days after the Termination of the Agreement, or fifteen (15) days after the Non-terminating Party receives a written request from the Terminating Party for the Records. The Districts shall deliver those Records that exist in electronic, magnetic or other intangible form in a non-proprietary format, such as, but not limited to, PDF, ASCII or .TXT. Upon receipt of a written notice of Termination from the Agency, the Districts shall cease operations as the Agency directs in the notice, and take all actions that are necessary or appropriate, or that the Agency may reasonably direct, for the protection, and preservation of records. Except for any work which the Agency directs the Districts to Perform in the notice prior to the effective date of Termination, and except as otherwise provided in the notice, the Districts shall terminate or conclude all existing subcontracts and purchase orders and shall not enter into any further subcontracts, purchase orders or commitments. Upon Termination of the Agreement, all rights and obligations shall be null and void, so that no Party shall have any further rights or obligations to any other Party, except with respect to the sections which survive Termination. All representations, warranties, agreements and rights of the Parties under the Agreement shall survive such Termination to the extent not otherwise limited in the Agreement and without each one of them having to be specifically mentioned in the Agreement. Termination of the Agreement pursuant to this section shall not be deemed to be a breach of Agreement by the Agency.

**XI. DURATION OF AGREEMENT.** This Agreement shall be effective on July 1, 2013 or on the date of the last signature below, whichever is later, and shall continue in force unless canceled or terminated by either party in accordance with paragraph X above.

**XII. VOID AB INITIO.** Notwithstanding paragraphs X and XI, the Agreement shall be void *ab initio* if the Construction General Permit is reissued, revoked or modified to eliminate the need for the Districts to review the SWPCP pursuant to such general permit's terms and conditions or if the Construction General Permit expires and is not reissued.

**XIII. INTERPRETATION.** The Agreement contains numerous references to statutes and regulations. For purposes of interpretation, conflict resolution and otherwise, the content of those statutes and regulations shall govern over the content of the reference in the Agreement to those statutes and regulations.

**XIV. ENTIRETY OF AGREEMENT.** This Agreement is the entire agreement between the Parties with respect to its subject matter, and supersedes all prior agreements, proposals, offers, counteroffers and understandings of the Parties, whether written or oral. The Agreement has been entered into after full investigation, neither Party relying upon any statement or representation by the other unless such statement or representation is specifically embodied in the Agreement.

**XV. PROTECTION OF STATE CONFIDENTIAL INFORMATION.**

**A.** The Districts or District Parties, at their own expense, have a duty to and shall protect from a Confidential Information Breach any and all Confidential Information which they come to possess or

control, wherever and however stored or maintained, in a commercially reasonable manner in accordance with current industry standards.

**B.** Each District or District Party shall develop, implement and maintain a comprehensive data-security program for the protection of Confidential Information. The safeguards contained in such program shall be consistent with and comply with the safeguards for protection of Confidential Information, and information of a similar character, as set forth in all applicable federal and state law and written policy of the Department or State concerning the confidentiality of Confidential Information. Such data-security program shall include, but not be limited to, the following:

1. A security policy for employees related to the storage, access and transportation of data containing Confidential Information;
2. Reasonable restrictions on access to records containing Confidential Information, including access to any locked storage where such records are kept;
3. A process for reviewing policies and security measures at least annually;
4. Creating secure access controls to Confidential Information, including but not limited to passwords; and
5. Encrypting of Confidential Information that is stored on laptops, portable devices or being transmitted electronically.

**C.** The District and District Parties shall notify the Department and the Connecticut Office of the Attorney General as soon as practical, but no later than twenty-four (24) hours, after they become aware of or suspect that any Confidential Information which Parties have come to possess or control has been subject to a Confidential Information Breach. If a Confidential Information Breach has occurred, the District shall, within three (3) business days after the notification, present a credit monitoring and protection plan to the Commissioner of Administrative Services, the Department and the Connecticut Office of the Attorney General, for review and approval. Such credit monitoring or protection plan shall be made available by the District at its own cost and expense to all individuals affected by the Confidential Information Breach. Such credit monitoring or protection plan shall include, but is not limited to, reimbursement for the cost of placing and lifting one (1) security freeze per credit file pursuant to Connecticut General Statutes §36a-701a. Such credit monitoring or protection plans shall be approved by the State in accordance with this Section and shall cover a length of time commensurate with the circumstances of the Confidential Information Breach. The District's costs and expenses for the credit monitoring and protection plan shall not be recoverable from the Department, any State of Connecticut entity or any affected individuals.

**D.** The District shall incorporate the requirements of this Section in all subAgreements requiring each District Party to safeguard Confidential Information in the same manner as provided for in this Section.

**E.** Nothing in this Section shall supersede in any manner the District's and/ or the District Parties' obligations pursuant to HIPAA or the provisions of this Agreement concerning the obligations of the District as a Business Associate of the Department.

**XVI. AMERICANS WITH DISABILITIES ACT.** The Districts shall be and remain in compliance with the Americans with Disabilities Act of 1990 ("Act"), to the extent applicable, during the term of the Agreement. The DEEP may cancel the Agreement if the District and District Parties fail to comply with the Act.

**XVII. ADA PUBLICATION STATEMENT.** The following statement shall be incorporated into all **publications** prepared under the terms of this Agreement:

“The Department of Energy and Environmental Protection is an affirmative action/equal opportunity employer and service provider. In conformance with the Americans with Disabilities Act, DEEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities who need this information in an alternative format, to allow them to benefit and/or participate in the agency’s programs and services, should call DEEP’s Human Resources Office at (860) 424-3006, send a fax to (860) 424-3896, or email [DEEP.MedRecs@ct.gov](mailto:DEEP.MedRecs@ct.gov). Persons who are hearing impaired should call the State of Connecticut relay number 711.”

When advertising any **public meetings** conducted under the terms of this Agreement, the above publications language should be used as well as the following statement:

**“Requests for accommodations must be made at least two weeks prior to the program date.”**

All **videos** produced under the terms of this Agreement must be made available with closed captioning.

**XVIII. PUBLICATION OF MATERIALS.** The District must obtain written approval from the State of Connecticut prior to distribution or publication of any printed material prepared under the terms of this Agreement. Unless specifically authorized in writing by the State, on a case by case basis, the District shall have no right to use, and shall not use, the name of the State of Connecticut, its officials, agencies, or employees or the seal of the State of Connecticut or its agencies: (1) in any advertising, publicity, promotion; or (2) to express or to imply any endorsement of District’s products or services; or (3) to use the name of the State of Connecticut, its officials agencies, or employees or the seal of the State of Connecticut or its agencies in any other manner (whether or not similar to uses prohibited by (1) and (2) above), except only to manufacture and deliver in accordance with this Agreement such items as are hereby contracted for by the State. In no event may the Districts use the State Seal in any way without the express written consent of the Secretary of State.

**XIX. CHANGES IN PRINCIPAL PROJECT STAFF.** Any changes in the principal project staff must be requested in writing and approved in writing by the Commissioner at the Commissioner’s sole discretion. In the event of any unapproved change in principal project staff, the Commissioner may, in the Commissioner’s sole discretion, terminate this Agreement.

**XX. FURTHER ASSURANCES.** The Parties shall provide such information, execute and deliver any instruments and documents and take such other actions as may be necessary or reasonably requested by the other Party which are not inconsistent with the provisions of this Agreement and which do not involve the vesting of rights or assumption of obligations other than those provided for in the Agreement, in order to give full effect to the Agreement and to carry out the intent of the Agreement.

**XXI. ASSIGNMENT.** The Districts shall not assign any of their rights or obligations under the Agreement, voluntarily or otherwise, in any manner without the prior written consent of the Agency. The Agency may void any purported assignment in violation of this section and declare the District in breach of this Agreement. Any termination by the Agency for a breach is without prejudice to the Agency’s or the State’s rights or possible Claims.

**XXII. EXHIBITS.** All exhibits referred to in, and attached to, this Agreement are incorporated in this Agreement by such reference and shall be deemed to be a part of it as if they had been fully set forth in it.

**XXIII. FORCE MAJEUR.** Events that materially affect the cost of the Goods or Services or the time schedule within which to Perform and are outside the control of the party asserting that such an event has occurred, including, but not limited to, labor troubles unrelated to District(s), failure of or inadequate

permanent power, unavoidable casualties, fire not caused by a District, extraordinary weather conditions, disasters, riots, acts of God, insurrection or war.

**XXIV. INDEMNIFICATION.** The Districts shall indemnify, defend and hold harmless the State and its officers, representatives, agents, servants, employees, successors and assigns from and against any and all (1) Claims arising, directly or indirectly, in connection with the Agreement, including the acts of commission or omission (collectively, the "Acts") of the District or District Parties; and (2) liabilities, damages, losses, costs and expenses, including but not limited to, attorneys' and other professionals' fees, arising, directly or indirectly, in connection with Claims, Acts or the Agreement. The Districts obligations under this section to indemnify, defend and hold harmless against Claims includes Claims concerning confidentiality of any part of or all of the Districts' Records, any intellectual property rights, other proprietary rights of any person or entity, copyrighted or uncopyrighted compositions, secret processes, patented or unpatented inventions, articles or appliances furnished or used in the Performance. The Districts shall not be responsible for indemnifying or holding the State harmless from any liability arising due to the negligence of the State or any other person or entity acting under the direct control or supervision of the State. The Districts shall reimburse the State for any and all damages to the real or personal property of the State caused by the Acts of the Districts or any District Parties. The State shall give the Districts reasonable notice of any such Claims. The Districts shall carry and maintain at all times during the term of the Agreement, and during the time that any provisions survive the term of the Agreement, sufficient general liability insurance to satisfy its obligations under this Agreement. The Districts shall name the State as an additional insured on the policy and shall provide a copy of the policy to the Agency prior to the effective date of the Agreement. The Districts shall not begin Performance until the delivery of the policy to the Agency. The Agency shall be entitled to recover under the insurance policy even if a body of competent jurisdiction determines that the Agency or the State is contributorily negligent. This section shall survive the Termination of the Agreement and shall not be limited by reason of any insurance coverage.

**XXV. DISTRICT PARTIES.** A District's members, directors, officers, shareholders, partners, managers, principal officers, representatives, agents, servants, consultants, employees or any one of them or any other person or entity with whom the District is in privity of oral or written contract and the District intends for such other person or entity to Perform under the Agreement in any capacity

**XXVI. CAMPAIGN CONTRIBUTION RESTRICTION.** For all State contracts as defined in P.A. 07-1 having a value in a calendar year of \$50,000 or more or a combination or series of such agreements or contracts having a value of \$100,000 or more, the authorized signatory to this Agreement expressly acknowledges receipt of the State Elections Enforcement Commission's notice advising state contractors of state campaign contribution and solicitation prohibitions, and will inform its principals of the contents of the notice. See SEEC Form 11.

## Authorizing Signatures

For DEEP: \_\_\_\_\_  
Commissioner Date

For Northwest Conservation District: \_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Title

For Eastern Connecticut Conservation District: \_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Title

For Connecticut River Coastal Conservation District, Inc.: \_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Title

For Southwest Conservation District: \_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Title

For North Central Conservation District: \_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Title

# EXHIBIT 1

## Connecticut Conservation District Stormwater Pollution Control Plan Review Fee Schedule

### Single Family Residential Developments Disturbing 5 or more Acres

Number of Lots	Standard Fee	Number of Lots	Standard Fee
1	\$1,500	26	\$5,625
2	\$1,665	27	\$5,790
3	\$1,830	28	\$5,955
4	\$1,995	29	\$6,120
5	\$2,160	30	\$6,285
6	\$2,325	31	\$6,450
7	\$2,490	32	\$6,615
8	\$2,655	33	\$6,780
9	\$2,820	34	\$6,945
10	\$2,985	35	\$7,110
11	\$3,150	36	\$7,275
12	\$3,315	37	\$7,440
13	\$3,480	38	\$7,605
14	\$3,645	39	\$7,770
15	\$3,810	40	\$7,935
16	\$3,975	41	\$8,100
17	\$4,140	42	\$8,265
18	\$4,305	43	\$8,430
19	\$4,470	44	\$8,595
20	\$4,635	45	\$8,760
21	\$4,800	46	\$8,925
22	\$4,965	47	\$9,090
23	\$5,130	48	\$9,255
24	\$5,295	49	\$9,420
25	\$5,460	50	\$9,585

#### Over 50 lots:

\$9,585 + \$20 x number of lots over 50

**SW PCP Review:** Standard Fee (as shown above)

**Resubmission:** Standard Fee minus 50%

**Post-Approval Resubmission:** \$85 per hour, up to a maximum of the Standard Fee minus 50%

**Express Reviews:** The specified fee for an SW PCP Review, a Resubmission, or a Post-Approval Resubmission; plus 50% of the applicable fee and/or limit

#### Policies:

1. Payment due upon submission of SW PCP, with the exception of Post-Approval Resubmissions.
2. Payment for Post-Approval Resubmission review is due upon completion of review.
3. Written permission to enter onto and inspect the site: Due upon submission of SW PCP.

# EXHIBIT 1

## Connecticut Conservation District Stormwater Pollution Control Plan Review Fee Schedule

### Commercial and Multi Family Developments

Number of Disturbed Acres	Standard Fee	Number of Disturbed Acres	Standard Fee
5	\$2,200	28	\$5,995
6	\$2,365	29	\$6,160
7	\$2,530	30	\$6,325
8	\$2,695	31	\$6,490
9	\$2,860	32	\$6,655
10	\$3,025	33	\$6,820
11	\$3,190	34	\$6,985
12	\$3,355	35	\$7,150
13	\$3,520	36	\$7,315
14	\$3,685	37	\$7,480
15	\$3,850	38	\$7,645
16	\$4,015	39	\$7,810
17	\$4,180	40	\$7,975
18	\$4,345	41	\$8,140
19	\$4,510	42	\$8,305
20	\$4,675	43	\$8,470
21	\$4,840	44	\$8,635
22	\$5,005	45	\$8,800
23	\$5,170	46	\$8,965
24	\$5,335	47	\$9,130
25	\$5,500	48	\$9,295
26	\$5,665	49	\$9,460
27	\$5,830	50	\$9,625

#### **Over 50 acres:**

$\$9,625 + \$25 \times \text{number of disturbed acres over 50}$

**SW PCP Review:** Standard Fee (as shown above)

**Resubmission:** Standard Fee minus 50%

**Post-Approval Resubmission:** \$85 per hour, up to a maximum of the Standard Fee minus 50%

**Express Reviews:** The specified fee for an SW PCP Review, a Resubmission, or a Post-Approval Resubmission; plus 50% of the applicable fee and/or limit

#### **Policies:**

1. Payment due upon submission of SW PCP, with the exception of Post-Approval Resubmissions.
2. Payment for Post-Approval Resubmission review is due upon completion of review.
3. Written permission to enter onto and inspect the site: Due upon submission of SW PCP.



## EXHIBIT 2

### EXECUTIVE ORDERS

The Agreement is subject to the provisions of Executive Order No. Three of Governor Thomas J. Meskill, promulgated June 16, 1971, concerning labor employment practices, Executive Order No. Seventeen of Governor Thomas J. Meskill, promulgated February 15, 1973, concerning the listing of employment openings and Executive Order No. Sixteen of Governor John G. Rowland promulgated August 4, 1999, concerning violence in the workplace, all of which are incorporated into and are made a part of the Contract as if they had been fully set forth in it. At the Districts' request, the Client Agency shall provide a copy of these orders to the Districts. The Agreement may also be subject to Executive Order No. 7C of Governor M. Jodi Rell, promulgated July 13, 2006, concerning contracting reforms and Executive Order No. 14 of Governor M. Jodi Rell, promulgated April 17, 2006, concerning procurement of cleaning products and services, in accordance with their respective terms and conditions.

### NONDISCRIMINATION

(a) For purposes of this Section, the following terms are defined as follows:

- i. "Commission" means the Commission on Human Rights and Opportunities;
- ii. "Contract" and "contract" include any extension or modification of this Agreement or contract;
- iii. "Districts" and "districts" include the Districts and any successors or assigns of the Districts or districts;
- iv. "Gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.
- v. "good faith" means that degree of diligence which a reasonable person would exercise in the performance of legal duties and obligations;
- vi. "good faith efforts" shall include, but not be limited to, those reasonable initial efforts necessary to comply with statutory or regulatory requirements and additional or substituted efforts when it is determined that such initial efforts will not be sufficient to comply with such requirements;
- vii. "marital status" means being single, married as recognized by the State of Connecticut, widowed, separated or divorced;
- viii. "mental disability" means one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", or a record of or regarding a person as having one or more such disorders;
- ix. "minority business enterprise" means any small contractor, District or supplier of materials fifty-one percent or more of the capital stock, if any, or assets of which is owned by a person or persons: (1) who are active in the daily affairs of the enterprise, (2) who have the power to direct the management and policies of the enterprise, and (3) who are members of a minority, as such term is defined in subsection (a) of Connecticut General Statutes § 32-9n; and
- x. "public works contract" means any agreement between any individual, firm or corporation and the State or any political subdivision of the State other than a municipality for construction, rehabilitation, conversion, extension, demolition or repair of a public building, highway or other changes or improvements in real property, or which is financed in whole or in part by the State, including, but not limited to, matching expenditures, grants, loans, insurance or guarantees.

For purposes of this Section, the terms "Contract" and "contract" do not include a contract where each District is (1) a political subdivision of the state, including, but not limited to, a municipality, (2) a quasi-public agency, as defined in Conn. Gen. Stat. Section 1-120, (3) any other state, including but not limited to any federally recognized Indian tribal governments, as defined in Conn. Gen. Stat. Section 1-267, (4) the federal government, (5) a foreign government, or (6) an agency of a subdivision, agency, state or government described in the immediately preceding enumerated items (1), (2), (3), (4) or (5).

(b) (1) The Districts agree and warrant that in the performance of the Agreement such Districts will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, mental retardation, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such Districts that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the State of Connecticut; and the Districts further agree to take affirmative action to insure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, mental retardation, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by the Districts that such disability prevents performance of the work involved; (2) the Districts agree, in all solicitations or advertisements for employees placed by or on behalf of the Districts, to state that it is

an "affirmative action-equal opportunity employer" in accordance with regulations adopted by the Commission; (3) the Districts agree to provide each labor union or representative of workers with which the Districts have a collective bargaining Agreement or other contract or understanding and each vendor with which the Districts have a contract or understanding, a notice to be provided by the Commission, advising the labor union or workers' representative of the Districts' commitments under this section and to post copies of the notice in conspicuous places available to employees and applicants for employment; (4) the Districts agree to comply with each provision of this Section and Connecticut General Statutes §§ 46a-68e and 46a-68f and with each regulation or relevant order issued by said Commission pursuant to Connecticut General Statutes §§ 46a-56, 46a-68e and 46a-68f; and (5) the Districts agree to provide the Commission on Human Rights and Opportunities with such information requested by the Commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the Districts as relate to the provisions of this Section and Connecticut General Statutes § 46a-56. If the contract is a public works contract, the Districts agree and warrant that they will make good faith efforts to employ minority business enterprises as Districts and suppliers of materials on such public works projects.

(c) Determination of the Districts' good faith efforts shall include, but shall not be limited to, the following factors: The Districts' employment and subcontracting policies, patterns and practices; affirmative advertising, recruitment and training; technical assistance activities and such other reasonable activities or efforts as the Commission may prescribe that are designed to ensure the participation of minority business enterprises in public works projects.

(d) The Districts shall develop and maintain adequate documentation, in a manner prescribed by the Commission, of its good faith efforts.

(e) The Districts shall include the provisions of subsection (b) of this Section in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the State and such provisions shall be binding on the Districts, vendor or manufacturer unless exempted by regulations or orders of the Commission. The Districts shall take such action with respect to any such subcontract or purchase order as the Commission may direct as a means of enforcing such provisions including sanctions for noncompliance in accordance with Connecticut General Statutes §46a-56; provided if such Districts become involved in, or is threatened with, litigation with the Districts or vendor as a result of such direction by the Commission, the Districts may request the State of Connecticut to enter into any such litigation or negotiation prior thereto to protect the interests of the State and the State may so enter.

(f) The Districts agree to comply with the regulations referred to in this Section as they exist on the date of this Agreement and as they may be adopted or amended from time to time during the term of this Agreement and any amendments thereto.

(g) (1) The Districts agree and warrant that in the performance of the Agreement such Districts will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or the State of Connecticut, and that employees are treated when employed without regard to their sexual orientation; (2) the Districts agree to provide each labor union or representative of workers with which such Districts have a collective bargaining Agreement or other contract or understanding and each vendor with which such Districts have a contract or understanding, a notice to be provided by the Commission on Human Rights and Opportunities advising the labor union or workers' representative of the Districts' commitments under this section, and to post copies of the notice in conspicuous places available to employees and applicants for employment; (3) the Districts agree to comply with each provision of this section and with each regulation or relevant order issued by said Commission pursuant to Connecticut General Statutes § 46a-56; and (4) the Districts agree to provide the Commission on Human Rights and Opportunities with such information requested by the Commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the Districts which relate to the provisions of this Section and Connecticut General Statutes § 46a-56.

(h) The Districts shall include the provisions of the foregoing paragraph in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the State and such provisions shall be binding on the Districts, vendor or manufacturer unless exempted by regulations or orders of the Commission. The Districts shall take such action with respect to any such subcontract or purchase order as the Commission may direct as a means of enforcing such provisions including sanctions for noncompliance in accordance with Connecticut General Statutes § 46a-56; provided, if such Districts become involved in, or is threatened with, litigation with the Districts or vendor as a result of such direction by the Commission, the Districts may request the State of Connecticut to enter into any such litigation or negotiation prior thereto to the Connecticut Department of Energy and Environmental Protection (DEEP)."

Note: Place on official Letterhead. Need to document registered name with CT Secretary of State C.O.N.C.O.R.D.

## **CERTIFICATION**

I, **XXXXXXXXXXXXXXXXXX**, Chair of the **XXXXXXXXXXXXXXXXXX** an entity lawfully organized and existing under the laws of Connecticut, do hereby certify that the following is a true and correct copy of a resolution adopted on the **>>>>**day of **>>>>**, 2011, by the governing body of the **XXXXXX** in accordance with all of its documents of governance and management and the laws of Connecticut and further certify that such resolution has not been modified, rescinded or revoked, and is a present in full force and effect.

RESOLVED: That the **XXXXXXXXXXXXXXXXXX** hereby adopts as its policy to support the nondiscrimination agreements and warranties required under Conn. Gen. Stat. § 4a-60(a)(1) and § 4a-60a(a)(1), as amended in State of Connecticut Public Act 07-245 and sections 9(a)(1) and 10(a)(1) of Public Act 07-142, as those statutes may be amended from time to time.

IN WITNESS WHEREOF, the undersigned has executed this certificate **this >>>>day of >>>>**, 2013.

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Signature

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Date

## CONSERVATION DISTRICT PLAN REVIEW CERTIFICATION

Registrations submitted to DEEP for which a Conservation District has performed the Plan review pursuant to Section 3(b)(10) of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities shall include the following certification:

"I hereby certify that I am an employee of the [INSERT NAME OF DISTRICT] Conservation District and that I meet the qualifications to review Stormwater Pollution Control Plans as specified in the Memorandum of Agreement between the Connecticut Department of Energy & Environmental Protection and the Connecticut Conservation Districts. I am making this certification in connection with a registration under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY]. I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I certify, based on my review of the requirements of such general permit and on the standard of care for such projects, that the Plan is in compliance with the requirements of the general permit. I understand that knowingly making any false statement in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the Connecticut General Statutes and any other applicable law."

Registrations submitted to DEEP for which the District review was begun but **could not be completed** within the time limits specified in the Memorandum of Agreement shall include the following statement:

"I hereby certify that I am an employee of the [INSERT NAME OF DISTRICT] Conservation District and that I meet the qualifications to review Stormwater Pollution Control Plans as specified in the Memorandum of Agreement between the Connecticut Department of Energy & Environmental Protection and the Connecticut Conservation Districts. I am making this statement in connection with a registration under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY]. I hereby state that the review of the Stormwater Pollution Control Plan (Plan) for such registration was not completed within the time frames specified in the Memorandum of Agreement. Consequently, I cannot certify that the Plan is in compliance with the requirements of the general permit."



## General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities

### APPENDIX G

#### Historic Preservation Review

Pursuant to Chapter 184a, Section 10-387 of the Connecticut General Statutes, the Department of Energy & Environmental Protection (DEEP) shall review, in consultation with the Connecticut Commission on Culture and Tourism, its policies and practices for consistency with the preservation and study of CT's archaeological and historical sites. Pursuant to this requirement, DEEP has outlined the following process for assessing the potential for and the presence of historic and/or archaeological resources at a proposed development site. DEEP advises a review for the resources identified below ***be initiated up to one year*** prior to registration for this permit (*or prior to property purchase if possible*) and in conjunction with the local project approval process. However, a review conducted for an Army Corps of Engineers Section 404 wetland permit would meet this requirement.

**Step 1:** Determine if the proposed site is within an area of significance by consulting the following resources:

1. CT Register of Historic Places found at the link below:  
<http://www.nationalregisterofhistoricplaces.com/CT/state.html#pickem>
2. The municipality of the proposed development site for its designations of local historic districts, including but not limited to, local Historic District and/or Property Statutes.

**Step 2:** Assess site characteristics to determine the presence of a potential archaeological site, sacred site, and/ or sacred object as described below:

#### Definitions:

1. "Archaeological site" means a location where there exists material evidence that is not less than fifty years old of the past life and culture of human beings in the state.
2. "Sacred site" or "sacred land" means any space, including an archaeological site, of ritual or traditional significance in the culture and religion of Native Americans that is listed or eligible for listing on the National Register of Historic Places (16 USC 470a, as amended) or the state register of historic places defined in section 10-410, including, but not limited to, marked and unmarked human burials, burial areas and cemeteries, monumental geological or natural features with sacred meaning or a meaning central to a group's oral traditions; sites of ceremonial structures, including sweat lodges; rock art sites, and sites of great historical significance to a tribe native to this state.
3. "Sacred object" means any archaeological artifact or other object associated with a sacred site.

#### Site Prescreening Criteria:

1. Does the proposed development site include lands within 300 feet of surface water features, such as streams, brooks, lakes, or marshes?  
*If "yes", proceed to Criterion 2. If the answer to Criterion 1 is "no", then there is a low potential for prehistoric period archaeological resources - Proceed to Criterion 3.*

2. Does the area of anticipated construction or ground disturbance include soils classified by the Natural Resource Conservation Service as "Sandy Loam/ Loamy sand" or "Sandy Gravel Loam" not including "Fine Sandy Loam/ Loamy sand" with slopes less than or equal to 15%? (Soil mapping information is available for free from:  
<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>)

*If the answer to Criterion 2 is no, then there is a low potential for prehistoric period archaeological resources - Proceed to Criterion 3. If yes, the project site may contain significant prehistoric period archaeological resources*

– assess all other criteria and proceed to Step 3.

3. Are there buildings or structures over 150 years in age with the project site?

*If no, proceed to Criterion 4. If yes, the project site may contain significant historic period archaeological resources – assess all other criteria and proceed to Step 3.*

4. Are there buildings or structures shown within or immediately adjacent to the project site on the 1850's Connecticut County maps?

Historic County maps are here:

Fairfield - <http://www.flickr.com/photos/uconnlibrariesmagic/3387034755/>

Hartford - <http://www.flickr.com/photos/uconnlibrariesmagic/3386955421/>

Litchfield - <http://www.flickr.com/photos/uconnlibrariesmagic/3387765290/>

Middlesex - <http://www.flickr.com/photos/uconnlibrariesmagic/3386956185/>

New Haven - <http://www.flickr.com/photos/uconnlibrariesmagic/3386956345/>

New London - <http://www.flickr.com/photos/uconnlibrariesmagic/3387766080/>

Tolland - <http://www.flickr.com/photos/uconnlibrariesmagic/3386957013/>

Windham - <http://www.flickr.com/photos/uconnlibrariesmagic/3387766950/>

To look for buildings and structures click on the appropriate county map link. From the “Actions” drop-down menu choose “View all sizes”. On the “Photo/All sizes” page, choose “Original” to view the county map at an enlarged scale.

*If no, there is a low potential for significant historic period archaeological resources. If yes, the site may contain significant historic period archaeological resources- assess all other criteria and proceed to Step 3.*

**Step 3:** If you answered yes to Criterion 2, 3, or 4, please contact Daniel Forrest (860-256-2761 or [daniel.forrest@ct.gov](mailto:daniel.forrest@ct.gov)) or the current environmental review coordinator at the State Historic Preservation Office, Department of Economic and Community Development for additional guidance.

**Step 4:** Report in the Registration Form for the General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities that a review has been conducted and the results of the review (i.e. the proposed site does not have the potential for historic/ archaeological resources, or that such potential exists and is being or has been reviewed by the Connecticut Commission on Culture and Tourism).

*Please note that DEEP will refer all proposed sites with a historic/ archaeological resource potential (as identified in Steps 1 & 2 above) to the State Historic Preservation Office at the Department of Economic and Community Development..*

## **Appendix H**

### **Wild & Scenic Rivers Guidance**

#### **Overview: Wild and Scenic Rivers Act**

The Wild and Scenic Rivers Act (WSRA) charges administration of rivers in the National Wild and Scenic Rivers System (National System) to four federal land management agencies (Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, and U.S. Forest Service). However, to protect and enhance river values as directed in the WSRA, it is essential to use the authorities of a number of other federal agencies in administering the water column, river bed/bank, and upland river corridor.

Congress declared a policy to protect selected rivers in the nation through the WSRA. The river-administering agencies are to protect the river's identified values, free-flowing condition, and associated water quality. Specifically, each component is to be "administered in such manner as to protect and enhance the (outstandingly remarkable) values (**ORVs**) which caused it to be included in said system. . . ."

The WSRA also directs other federal agencies to protect river values. It explicitly recognizes the Federal Energy Regulatory Commission, Environmental Protection Agency, Army Corps of Engineers and any other federal department or agency with lands on or adjacent to designated (or congressionally authorized study) rivers or that permit or assist in the construction of water resources projects.

#### **Pertinent Sections of the Wild and Scenic Rivers Act**

The full Wild and Scenic Rivers Act can be found at the website: [www.rivers.gov](http://www.rivers.gov)

Pertinent Sections related to the mandate to protect river values through coordinated federal actions is found in several sections of the WSRA:

Section 1(b)	Section 7(a)	Section 10(a)
Section 12(a)	Section 12(c)	

#### **Designated Rivers under the Wild and Scenic Rivers Act and Contact Information**

The full listing of designated rivers can be found on the website [www.rivers.gov](http://www.rivers.gov)

As of the date of this publication, there are two designated rivers in Connecticut, both of which are managed under the Partnership Wild and Scenic Rivers Program, through a Coordinating Committee consisting of representatives from local communities and organizations, state government and the National Park Service. More information about these rivers, their watersheds, approved management plans, the Wild and Scenic Coordinating Committees and specific contact information can be found on the websites.

1. West Branch of the Farmington River: [www.farmingtonriver.org](http://www.farmingtonriver.org)
2. Eightmile River: [www.eightmileriver.org](http://www.eightmileriver.org)







## **APPENDIX C**

### **EROSION AND SEDIMENT CONTROL PLAN**



## CONSTRUCTION SEQUENCING

- ALL CONSTRUCTION ACTIVITIES ARE EXPECTED TO BEGIN IN THE SPRING/SUMMER OF 2019 AND COMPLETED BY THE END OF 2019. THE GENERAL CONSTRUCTION NOTES ARE AS FOLLOWS:
- THE SITE CONTRACTOR SHALL BE FULLY RESPONSIBLE TO CONTROL CONSTRUCTION SUCH THAT SEDIMENTATION SHALL NOT AFFECT ROADS/HIGHWAYS AND THEIR DRAINAGE SYSTEM, NEIGHBORING PROPERTIES, WETLANDS AND REGULATORY PROTECTED AREAS, WHETHER SUCH SEDIMENTATION IS CAUSED BY WATER, WIND, OR DIRECT DEPOSIT. DESIGNATED ACCESS DRIVES MUST BE USED TO THE MAXIMUM EXTENTS POSSIBLE.
  - A QUALIFIED INSPECTOR SHALL BE ASSIGNED TO BE RESPONSIBLE FOR PERFORMING INSPECTIONS AND PREPARING REPORTS IN ACCORDANCE WITH SECTION 5(B)(4)(B) OF THE CONSTRUCTION GENERAL PERMIT. IT IS ALSO ANTICIPATED THAT REPRESENTATIVES FROM CTDEEP AND/OR THE STATE CONSERVATION DISTRICT WILL PERFORM PERIODIC INSPECTIONS.
  - ENGINEER OF RECORD SHALL PERFORM THREE (3) MONTHLY PLAN IMPLEMENTATION INSPECTIONS WITHIN THE FIRST 90 DAYS OF CONSTRUCTION ACTIVITY, AS REQUIRED BY CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION.
  - THROUGHOUT THE COURSE OF THE CONSTRUCTION PROJECT, ADDITIONAL SEDIMENT AND EROSION CONTROL MEASURES MAY BE WARRANTED AT THE DISCRETION OF THE QUALIFIED INSPECTOR AND/OR DESIGN ENGINEER. THESE IMPROVEMENTS MUST BE IMPLEMENTED IN A TIMELY FASHION IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONSTRUCTION GENERAL PERMIT. ADDITIONALLY, AREAS OF PROPOSED COMPACTED NATIVE SOIL ROADS SHALL BE CONVERTED TO STABLE GRAVEL ROADS IF/AS DETERMINED BY THE QUALIFIED INSPECTOR OR ENGINEER OF RECORD.
  - PRIOR TO CONSTRUCTION, THE APPLICANT SHALL PROVIDE THE TOWN OF SIMSBURY WITH THE NAME OF CONTACT AND 24-HOUR CONTACT INFORMATION.
  - CONTRACTOR SHALL ADHERE TO 2002 CONNECTICUT GUIDELINES FOR EROSION AND SEDIMENT CONTROL, AS AMENDED.
  - THE CONTRACTOR SHALL FLAG THE LIMITS OF CLEARING NECESSARY TO FACILITATE THE PRE-CONSTRUCTION MEETING.
  - THE CONTRACTOR SHALL HOLD PRE-CONSTRUCTION MEETING(S). ATTENDEES SHALL INCLUDE, BUT NOT BE LIMITED TO, REPRESENTATIVES OF THE GENERAL CONTRACTOR, SITE CONTRACTOR, CTDEEP, TOWN OF SIMSBURY, ENGINEER OF RECORD, AND QUALIFIED SWPPP INSPECTOR.
  - THE CONTRACTOR SHALL CONTACT CALL-BEFORE-YOU-DIG (1-800-922-4455) PRIOR TO ENGAGING IN ANY EXCAVATION ACTIVITIES AT THE SITE.
  - THE CONTRACTOR SHALL NOTIFY THE TOWN OF SIMSBURY AGENT, ZONING ENFORCEMENT OFFICER, AND ENGINEERING DEPARTMENT, 48 HOURS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY.
  - NO CONSTRUCTION OF SITE IMPROVEMENTS MAY BEGIN UNTIL THE PROPER EROSION CONTROL MEASURES SERVING THE AREA TO BE DISTURBED ARE IN PLACE.
  - ANTICIPATED WORK HOURS WILL BE BETWEEN 6:30 AM AND 5:00 PM.

### PRE-CONSTRUCTION SITE PROTECTION SEQUENCE (PER RESOURCE PROTECTION PLAN)

- INSTALL STABILIZED VEHICLE CONSTRUCTION EXITS AT THE EXISTING FARM ROAD INTERSECTIONS WITH HOSKINS ROAD AND COUNTY ROAD.
- SURVEY AND MARK ALL WOODLAND CLEARING LIMITS.
- MARK TREES TO BE FELLED WITHIN 10 FEET OF CLEARING LIMITS AND INSTALL TREE PROTECTION FOR TREES TO BE PRESERVED WITHIN 10 FEET OF CLEARING LIMITS.
- FIELD SURVEY AND MARK BOUNDARY BETWEEN CLEARING LIMITS AND GRUBBING LIMITS.
- NO TREE CLEARING IS ANTICIPATED TO TAKE PLACE ON THE SITE BETWEEN MAY 15 AND AUGUST 31 TO MINIMIZE DISTURBANCE TO NESTING BIRDS AND TREE-ROOSTING BATS. IF BATS ARE ENCOUNTERED DURING TREE CLEARING ACTIVITIES OUTSIDE OF THIS DESIGNATED TIME-OF-YEAR RESTRICTION, TREE CLEARING OPERATIONS WILL BE IMMEDIATELY STOPPED AND THE ENVIRONMENTAL MONITOR WILL CONTACT THE BAT PROGRAM WITHIN THE CTDEEP WILDLIFE DIVISION TO DETERMINE PROPER NEXT STEPS. IF CONTRACTOR ENCOUNTERS NESTS WITH NESTLINGS THAT HAVE NOT YET FLEDGED, A 50-FOOT "NO ACTIVITY" BUFFER SHALL BE ESTABLISHED TO PROTECT THE NESTLINGS UNTIL THEY FLEDGE. THE USE OF A TUB GRINDER IS RECOMMENDED FOR THE MULCHING OF FELLED TREES.
- AS TREES ARE CLEARED AND GRUBBED, GRIND TOPS AND ROOT BALLS IN TUB GRINDER TO CREATE MATERIAL FOR WOOD CHIP MULCH BERM.
- SKIDERS AND OTHER EQUIPMENT SHOULD TRAVEL AROUND AGRICULTURAL FIELDS FOLLOWING PERIMETER ROADS. AVOID TRAVEL ACROSS FARM FIELDS.
- AS MATERIAL IS PRODUCED, INSTALL MULCH BERM AT THE LIMIT OF DISTURBANCE GENERALLY IN AREAS OF CLEARED FOREST. MULCH BERM HAS NOMINAL DIMENSIONS OF 1.5 TO 2 FEET HIGH BY 4-FOOT WIDE.
- IMMEDIATELY INSIDE THE PERIMETER MULCH BERM, INSTALL ENTRENCHED SILT FENCE FOLLOWING STANDARDS OF THE 2002 CONNECTICUT GUIDELINES FOR EROSION AND SEDIMENT CONTROL. MULCH BERM AND PERIMETER SILT FENCE SHALL BE MAINTAINED IN PERPETUITY UNTIL COMPLETION OF CONSTRUCTION. NO WORK SHALL BE ALLOWED OUTSIDE OF THESE LIMITS.
- CONCURRENT WITH ITEMS 2 THROUGH 9 ABOVE, THE CONTRACTOR SHALL ADDRESS ONGOING EROSION PROBLEMS IN THE FARM FIELDS USING TEMPORARY DIVERSIONS AND FILLING AND GRADING GULLIES. TRACK GULLIES UP AND DOWN SLOPE AND HYDROSEED WITH A THERMALLY-TREATED WOOD RONDIED FIBER MATRIX (BFM) MULCH WITH TACKIFIER. A STAPLED BIODEGRADABLE EROSION CONTROL BLANKET WITHOUT MONOFILAMENT MESH IS AN ACCEPTABLE ALTERNATIVE FOR HYDROSEED AND BFM.
- INSTALL TEMPORARY SEDIMENT TRAPS AND BASINS IN ACCORDANCE WITH THE APPROVED SITE-SPECIFIC SWPCP AND CT GUIDELINES. THE ENGINEER OF RECORD SHALL INSPECT FEATURES TO CONFIRM REQUIRED STORAGE CAPACITIES ARE PROVIDED AND THAT OUTLETS AND/OR SPILLWAYS ARE CONSTRUCTED CORRECTLY. DISCHARGE AREAS BELOW OUTFALLS MUST BE INSPECTED TO CONFIRM FLOW WILL BE OVER STABLE GROUND AND SHEET FLOW IS ENCOURAGED. IF DISTURBED SOILS ARE PRESENT, THE ENGINEER OF RECORD TO PROVIDE CORRECT MEASURES TO ADDRESS CONDITION.
- SEED AND PROTECT DISTURBED SOILS AROUND SEDIMENT TRAPS AND BASINS WITHIN 10 DAYS OF COMPLETION. SECURE SEED WITH A THERMALLY-TREATED BFM APPLIED FOLLOWING MANUFACTURER'S SPECIFICATIONS FOR USE AT SPECIFIED APPLICATION RATES. AN ANIONIC POLYACRYLAMIDE PRODUCT MAY BE INCLUDED WITH THE TACKIFIER TO PROMOTE SOIL STABILITY. ALL OTHER AMENDMENTS SHOULD BE PRESCRIBED BASED ON THE RESULT OF SOIL TESTS.
- INSTALL OTHER EROSION AND SEDIMENT CONTROLS FOLLOWING THE CT GUIDELINES AND MANUFACTURER'S DIRECTIONS. DURING CONSTRUCTION, THE CONTRACTOR SHALL INSTALL MEASURES AS REQUIRED BY THE ENGINEER OF RECORD OR QUALIFIED INSPECTOR, TO PREVENT SEDIMENT-LADEN RUNOFF FROM REACHING WETLANDS OR DISCHARGING OFFSITE. REQUIREMENTS FOR MAINTAINING VEGETATIVE COVER WITHIN THE PROJECT LIMITS DURING CONSTRUCTION SHALL BE FOLLOWED FROM THE RESOURCE PROTECTION PLAN.
- ESTABLISH DESIGNATED VEHICULAR TRAFFIC ACCESS ROADS (GRAVEL OR COMPACTED NATIVE SOIL PER PLANS) THAT SHALL BE USED AS PRIMARY ACCESSES. EFFORTS MUST BE MADE TO MINIMIZE VEHICULAR TRAFFICKING ACROSS NON-DESIGNATED AREAS TO THE EXTENTS POSSIBLE.

### CONSTRUCTION SEQUENCE

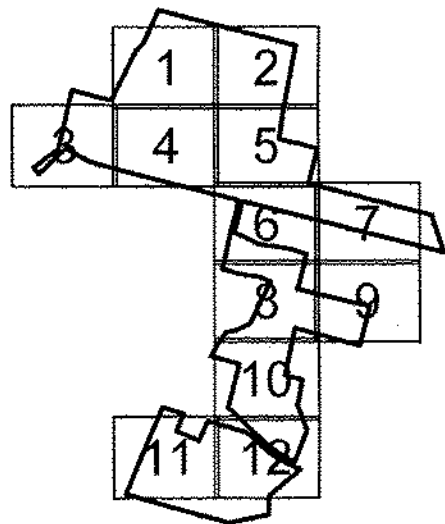
- PERFORM MASS EARTHWORK ON THE SITE AND INSTALL PERIMETER FENCE TO SERVE AS CONSTRUCTION BARRIER. TOPSOIL SHALL BE STRIPPED AND STOCKPILED FROM AREAS PROPOSED FOR REGRADING. REFER TO RESOURCE PROTECTION PLAN.
- TOPSOIL SHALL BE REPLACED OVER REGRADED AREAS UPON COMPLETION OF MASS EARTHWORK ACTIVITIES AND AREAS WHICH WERE DISTURBED BY MASS EARTHWORK OPERATIONS SHALL BE RESEED WITHIN 10 DAYS OF COMPLETION. REFER TO RESOURCE PROTECTION PLAN AND/OR SITE SOIL SCIENTIST FOR SEED MIX.
- DRIVE PILES FOR SOLAR PANEL RACKING, STARTING FROM NORTH END OF SITE AND WORKING SOUTH TOWARDS PRIMARY STAGING AREA.
- THE INSTALLATION OF RACKING SHALL FOLLOW THE PILE DRIVING BY ROUGHLY ONE WEEK STARTING FROM THE SAME POINT. IT IS ANTICIPATED THAT APPROXIMATELY 13 ACRES OF PILES WILL BE IN AHEAD OF RACKING ON AVERAGE.
- ONCE THE RACKS ARE UP, VEHICULAR ACCESS ALONG NON-DESIGNATED ROUTES WILL BE SEVERELY IMPACTED DUE TO THE MODULE SPACING. RESEED AND REGRADE ALL AREAS DISTURBED BY CONSTRUCTION TRAFFIC WITHIN THE ARRAYS WHERE RACKS ARE INSTALLED AS EARLY AS POSSIBLE. RUTS AND RILLS SHALL BE SMOOTHED AND GRADED AS DISCOVERED.
- INSTALL SOLAR PANEL MODULES IN THE RACKING. MUCH OF THIS WORK IS ANTICIPATED TO BE PERFORMED BY HAND AND LIGHT CONSTRUCTION EQUIPMENT WHICH WILL CAUSE MINIMAL DISTURBANCE COMPARED TO THE USE OF HEAVY EQUIPMENT. DESIGNATED ACCESS ROADS SHALL STILL BE USED TO THE MAXIMUM EXTENTS POSSIBLE.
- UPON COMPLETION OF CONSTRUCTION, RE-SEED ALL DISTURBED AREAS WITHIN 10 DAYS AND PREVENT VEHICULAR TRAFFICKING OVER THESE AREAS. INSTALL FINAL LANDSCAPING.
- THE TEMPORARY SEDIMENT TRAPS/BASINS AND THEIR ASSOCIATED DIVERSION CHANNELS MAY BE REMOVED ONCE ALL TRIBUTARY AREAS UPSTREAM OF THEM HAVE BEEN COMPLETED AND STABILIZED WITH 80 PERCENT VEGETATED COVER, AT THE DISCRETION OF THE QUALIFIED INSPECTOR AND/OR DESIGN ENGINEER.
- AFTER SITE IS STABILIZED, AND AFTER INSPECTION BY DESIGN ENGINEER, OR OTHER OWNER'S REPRESENTATIVE, REMOVE TEMPORARY EROSION AND SEDIMENT CONTROLS. ENTIRE SITE SHALL BE CHECKED FOR AND CLEANED OF SEDIMENT AS NEEDED.



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### Legend

- BASIN OUTLINE
- SILT FENCE
- 12" COMPOST FILTER SOCK
- DIVERSION SWALE
- E-FENCE



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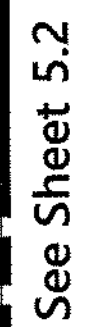
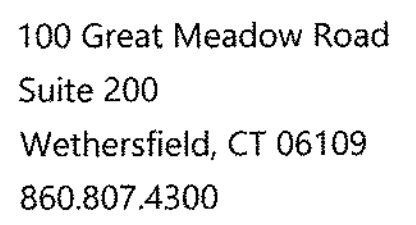
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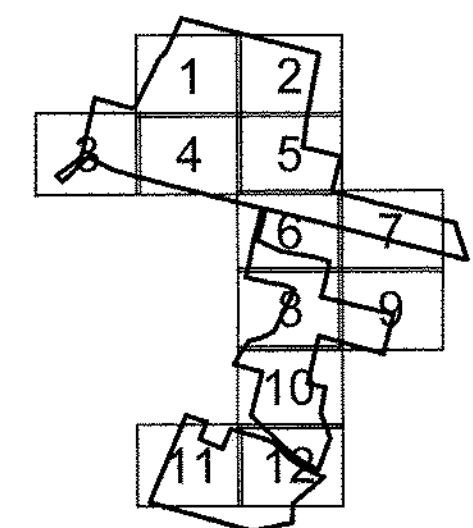
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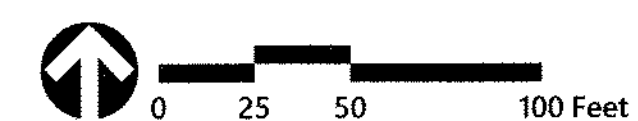




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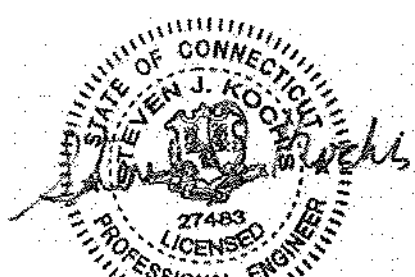
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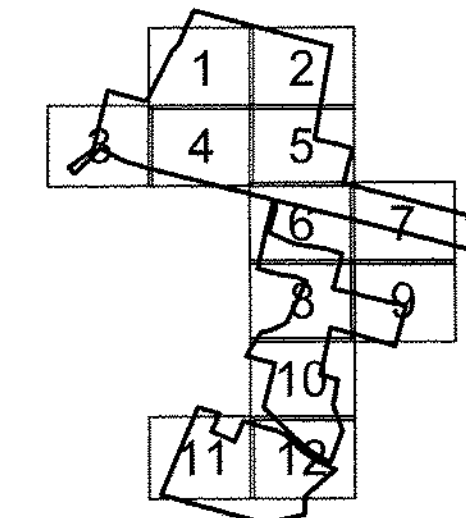
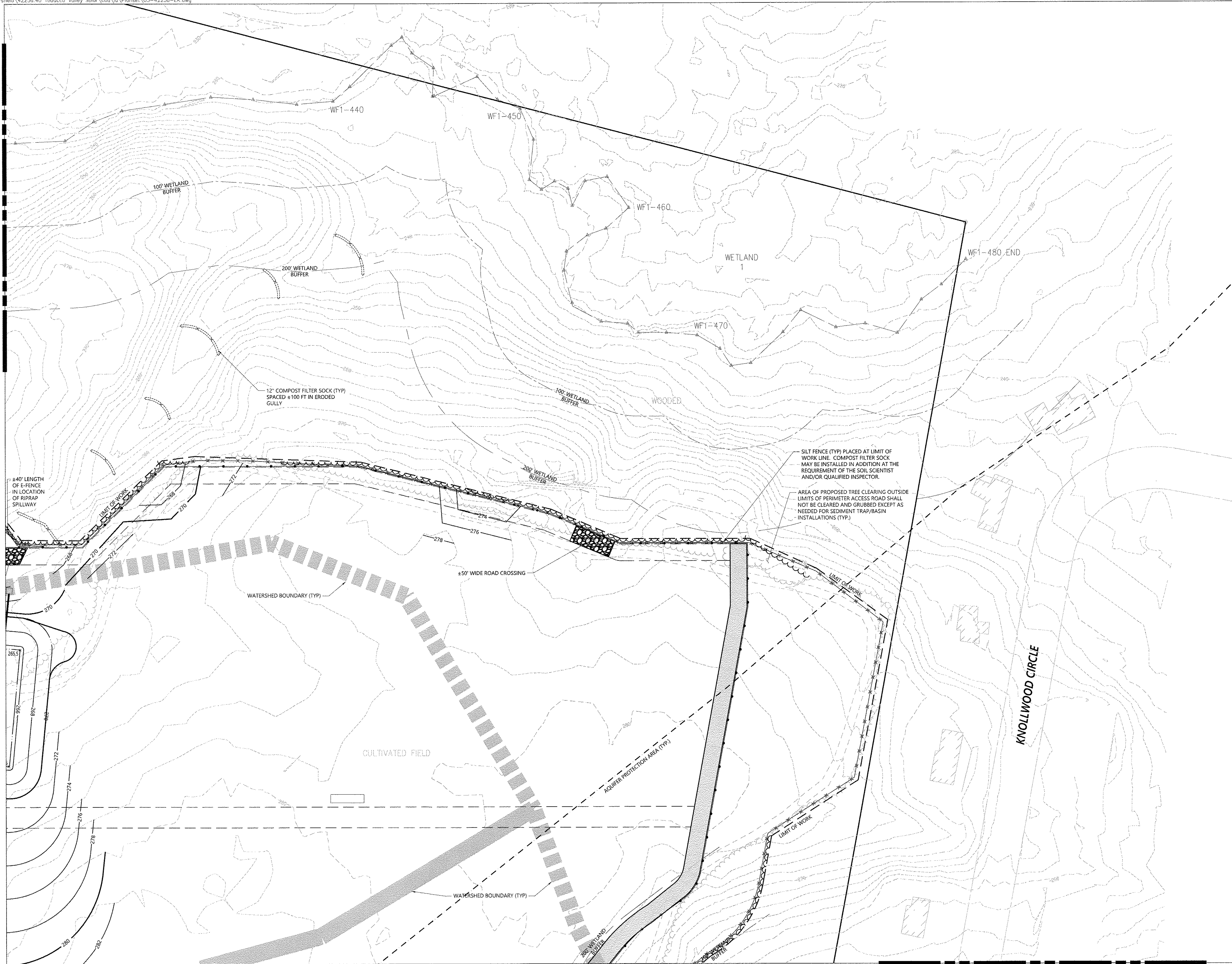




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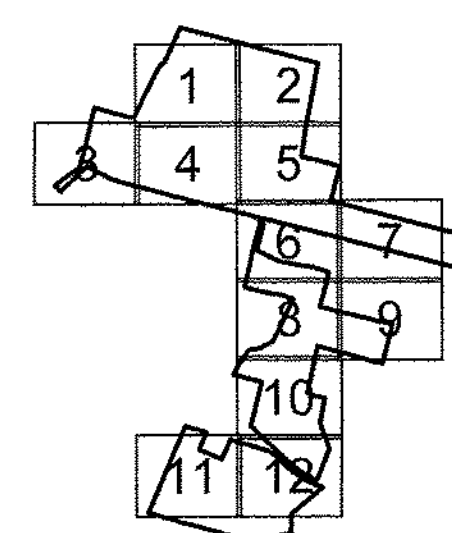
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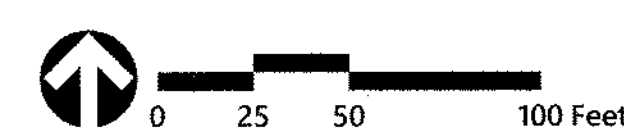


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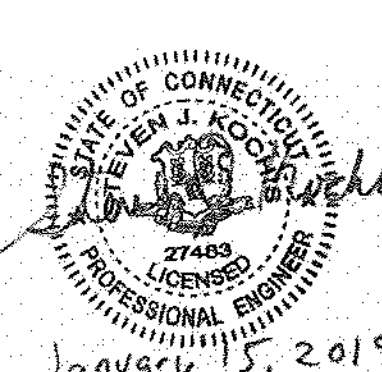
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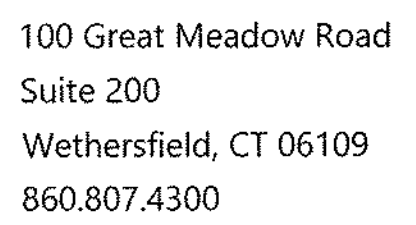


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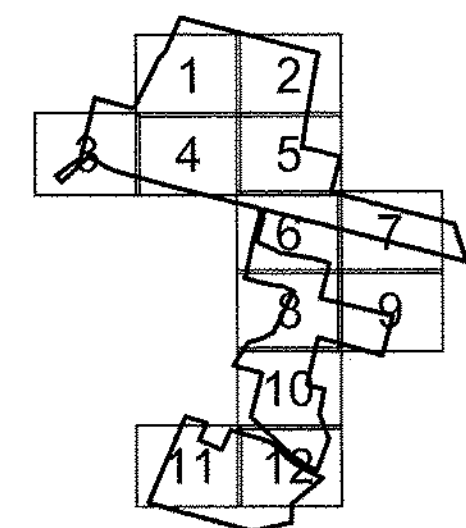
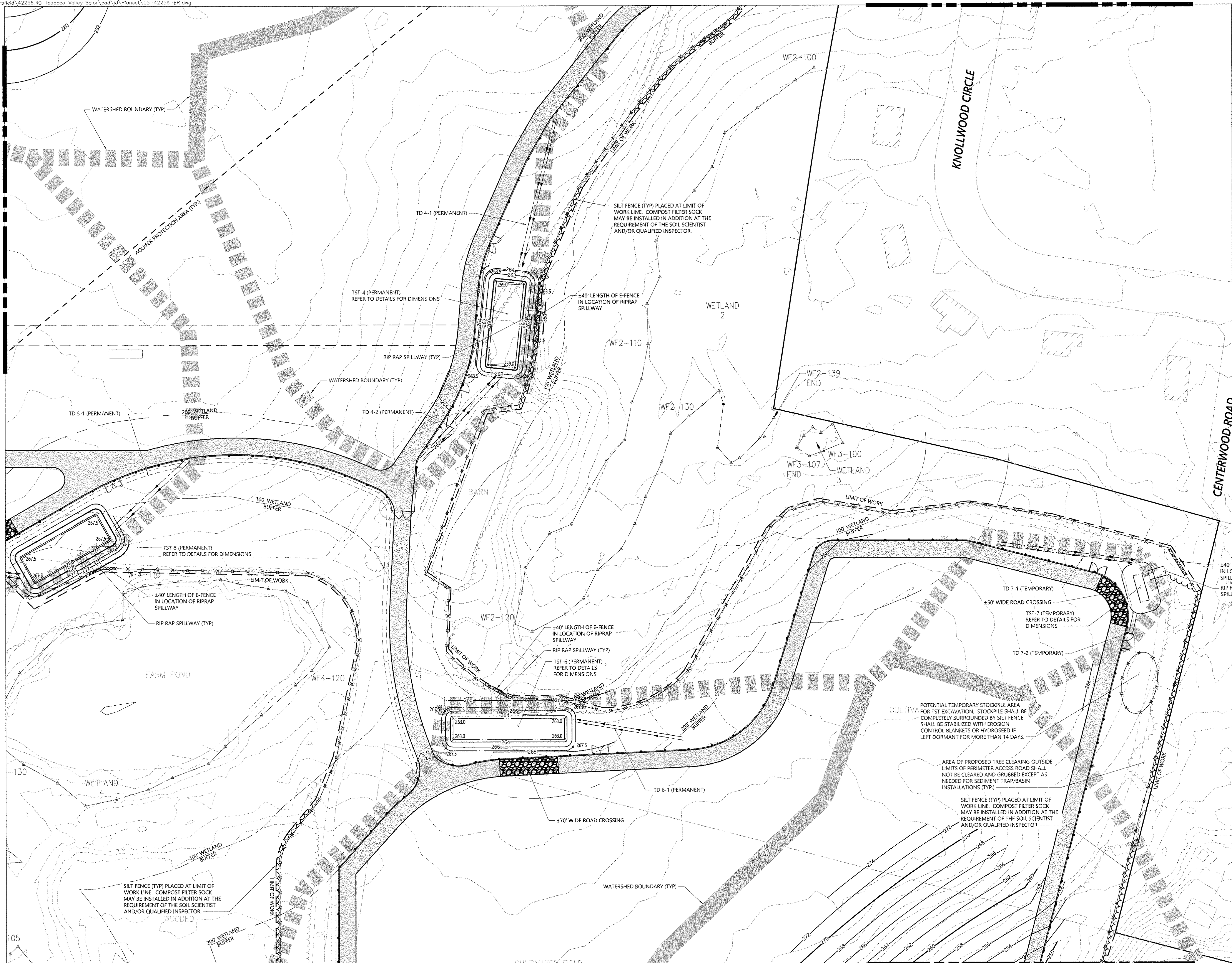
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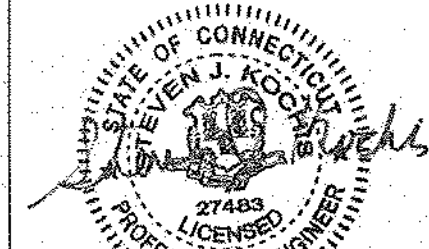
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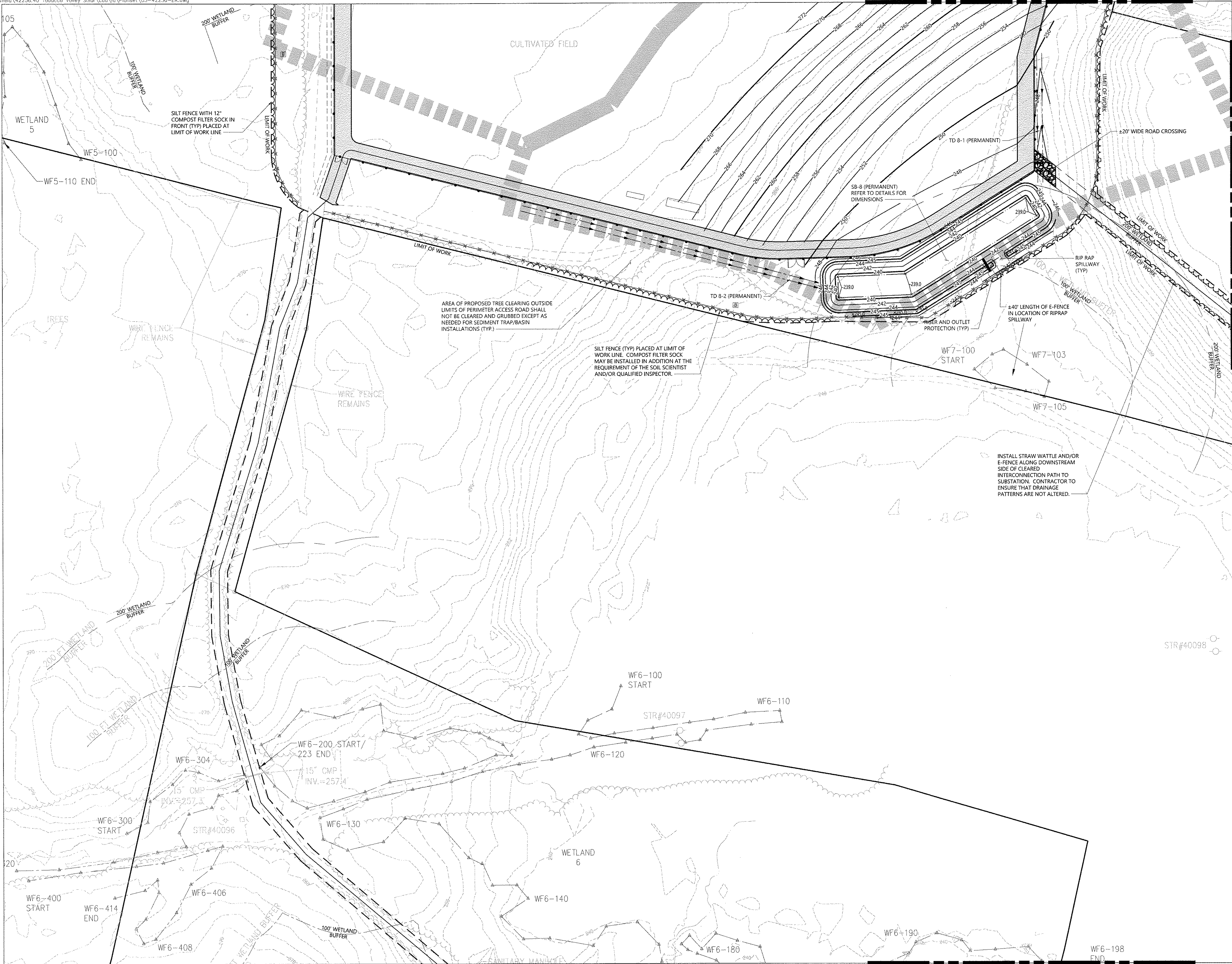
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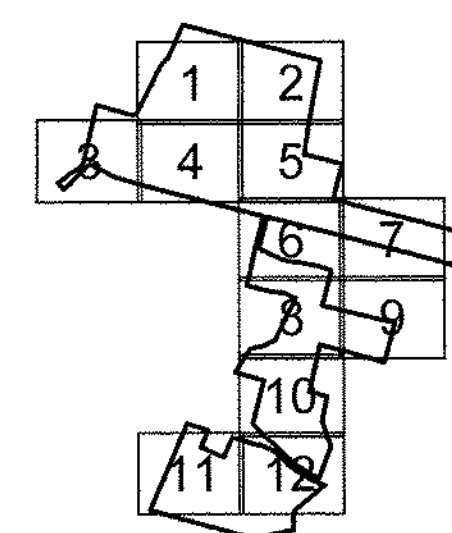
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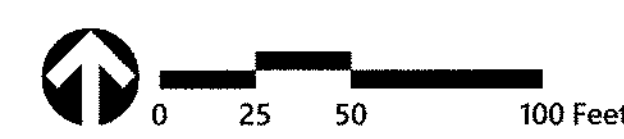




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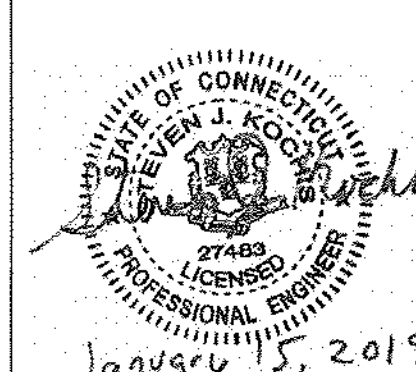
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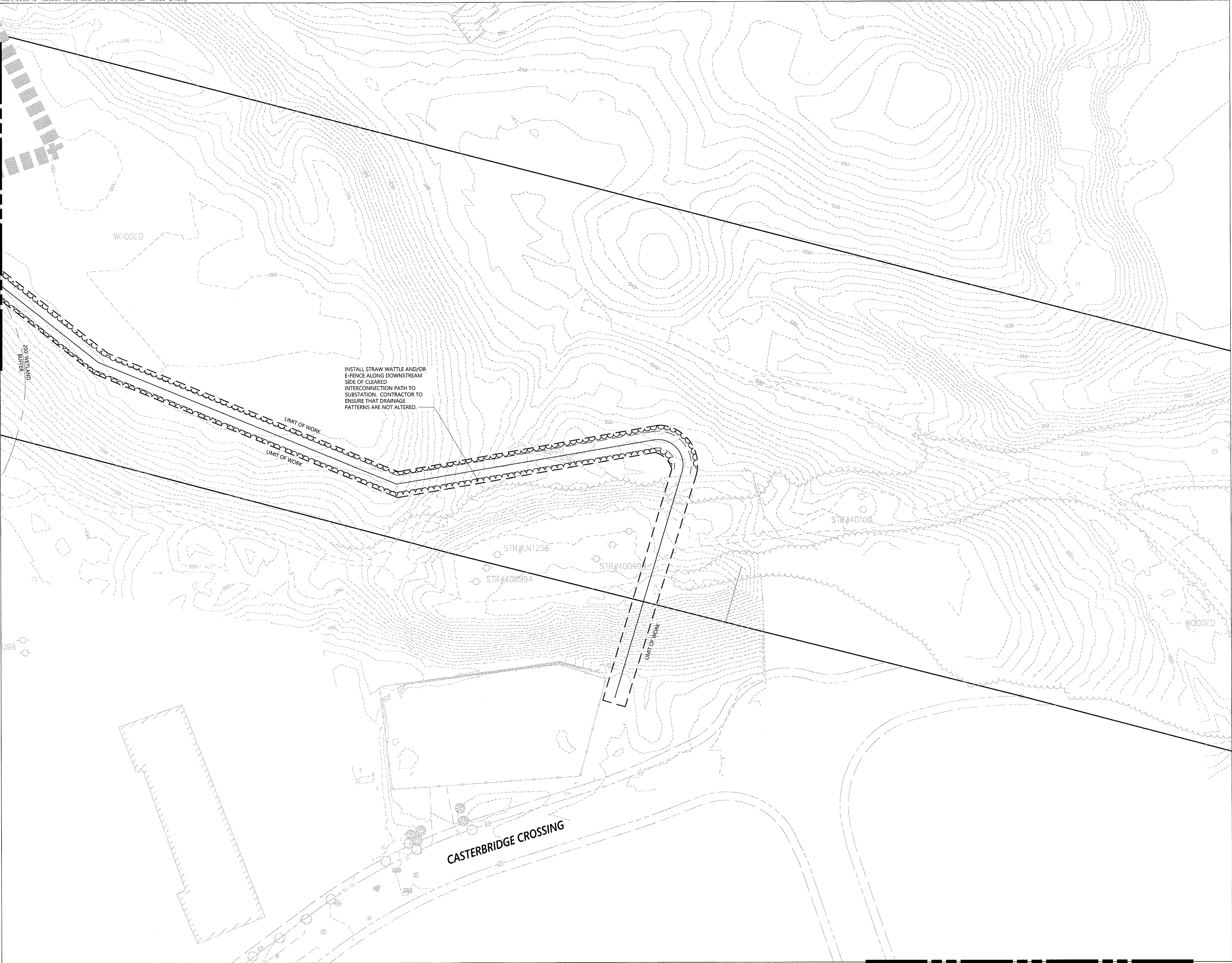
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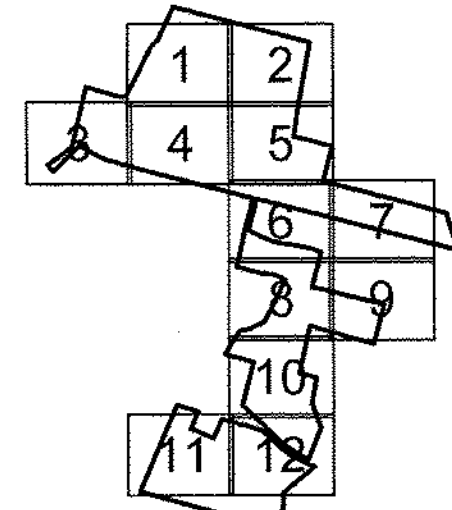
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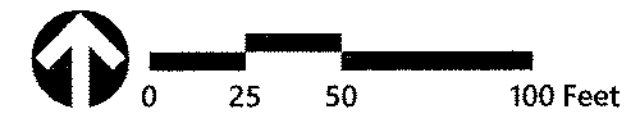


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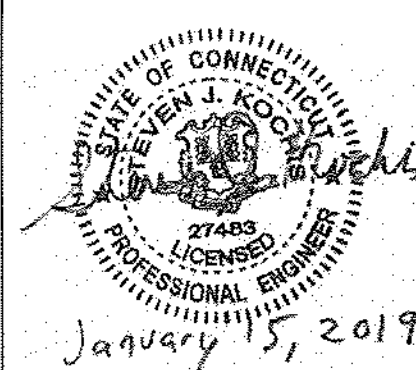


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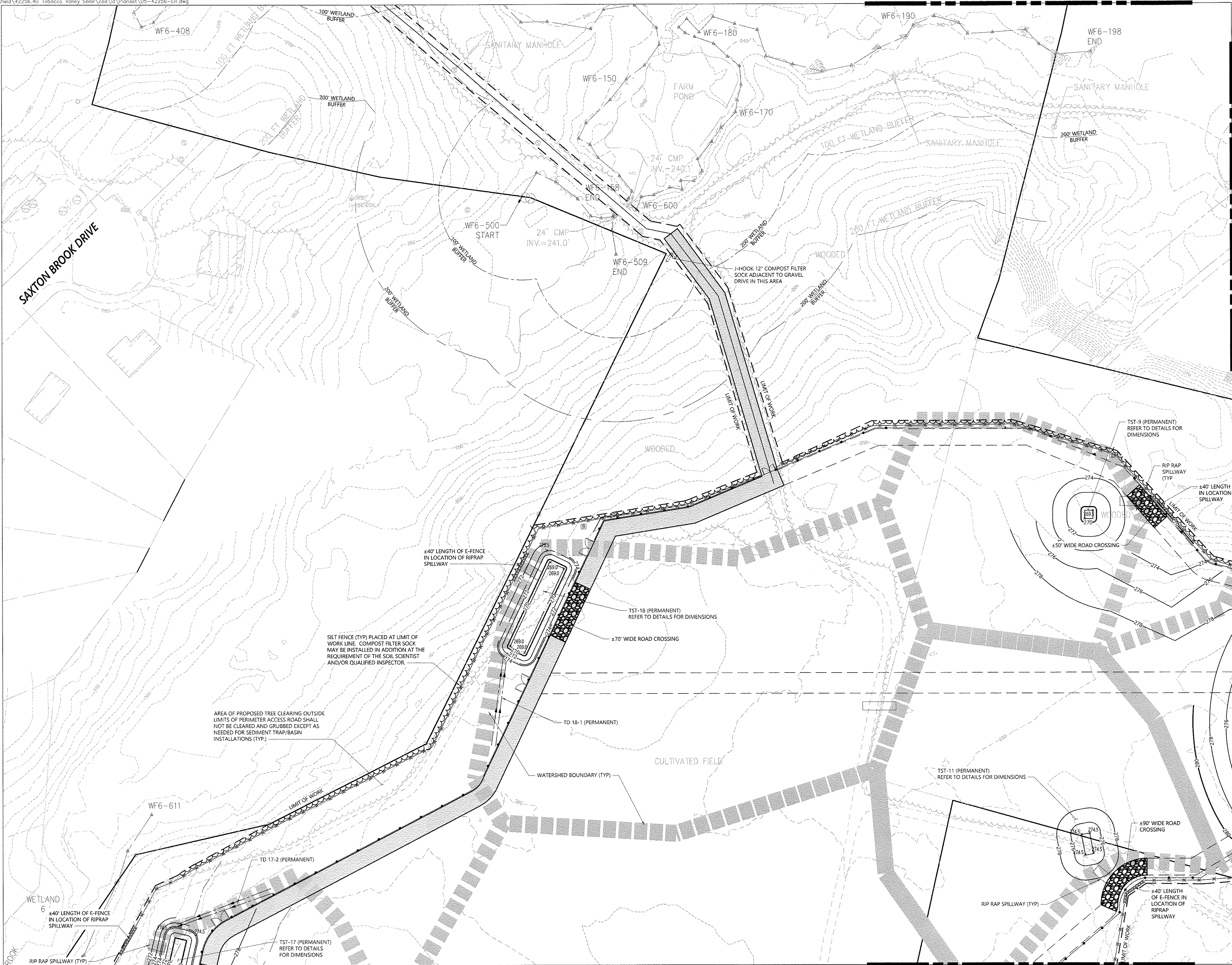
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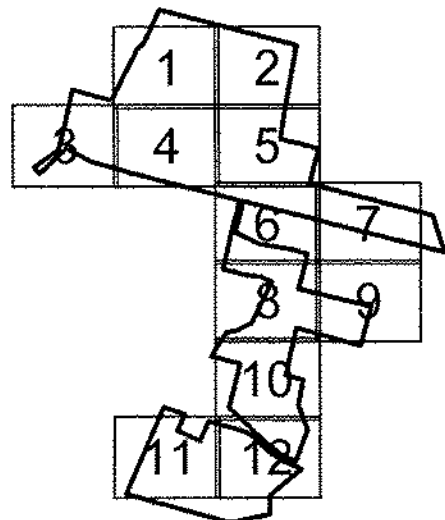
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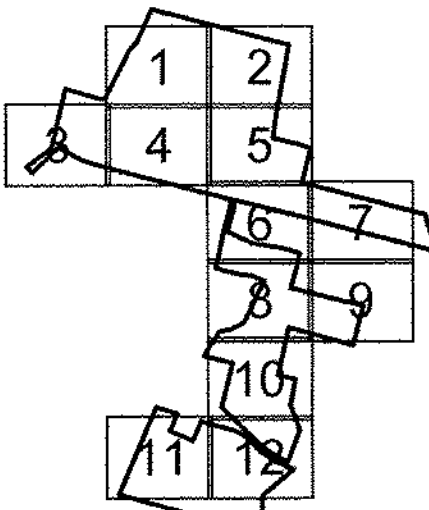
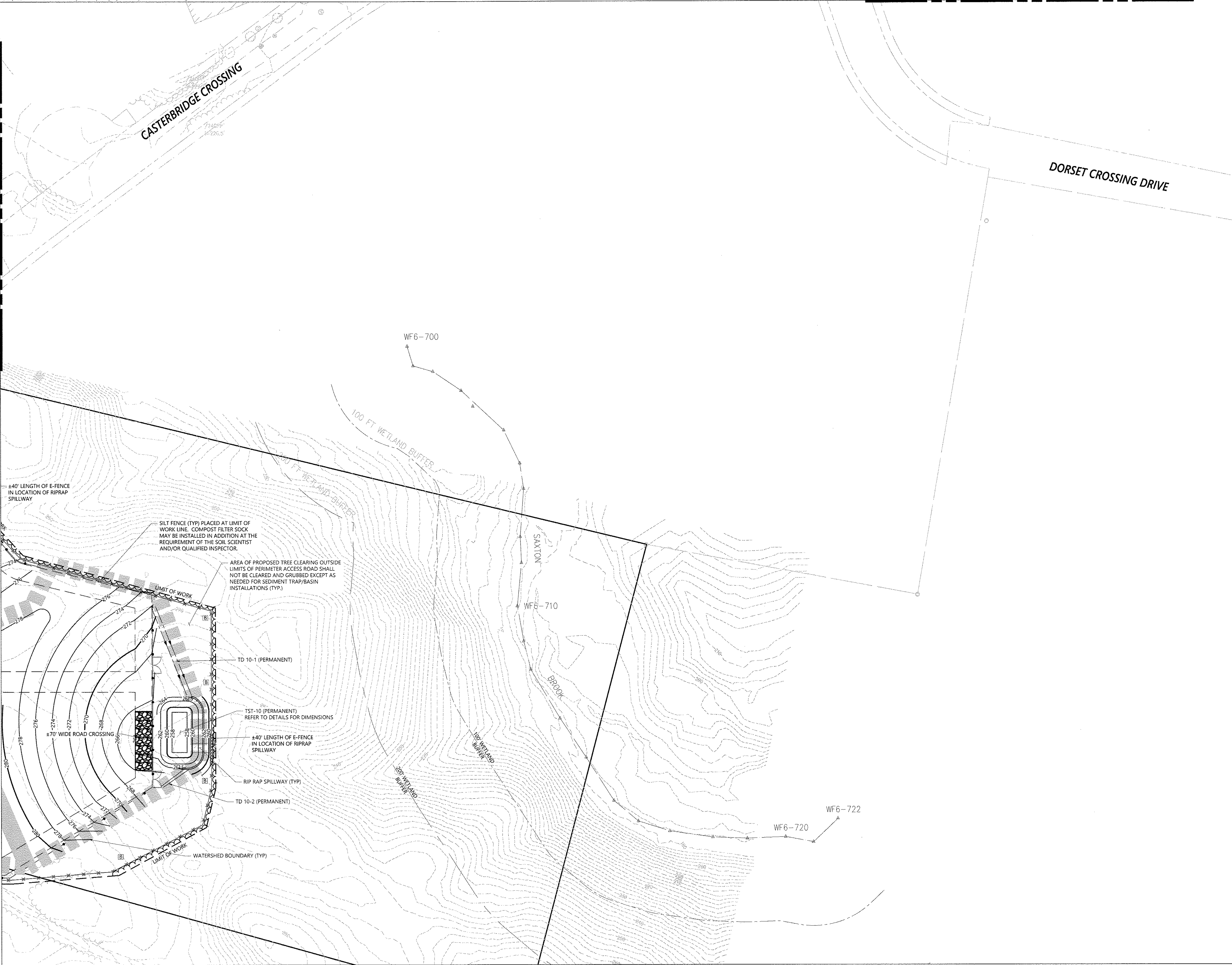
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**Professional Engineer**  
State of Connecticut  
Steven J. Kosciuszko  
27489





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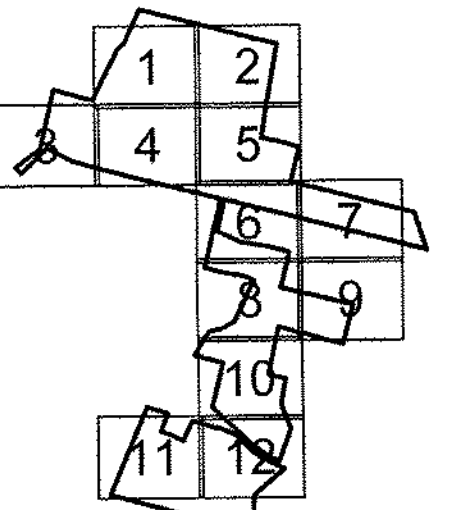
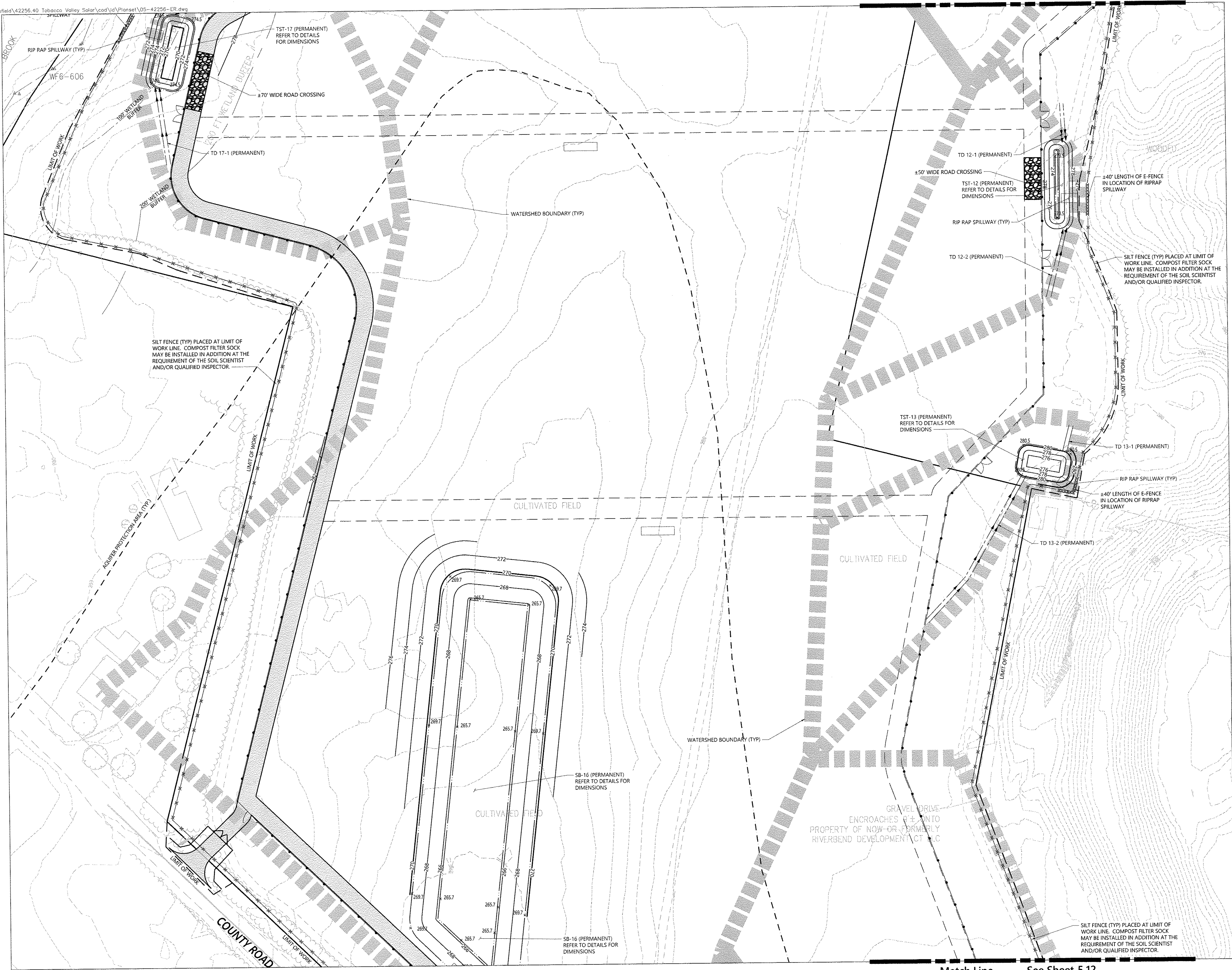
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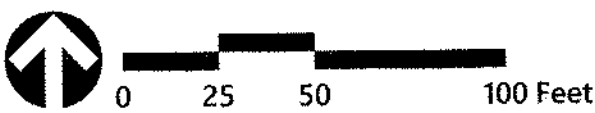
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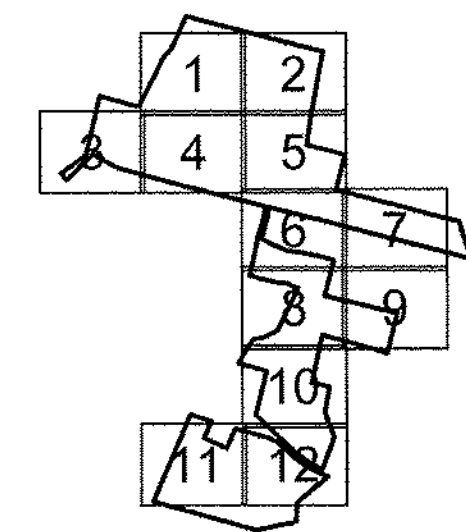




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Match Line



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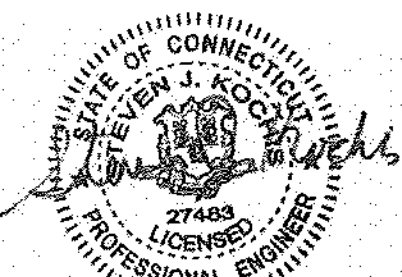


**Tobacco Valley Solar**  
County Road & Hoskins Road  
Simsbury, Connecticut

No.	Revision	Date	Apprv.

Designed by	SJK	Checked by	PV
Issued for	Construction	Date	January 15, 2019

Drawing Title  
**Erosion and Sediment  
Control Plan - 11**



January 15, 2019

C-5.11

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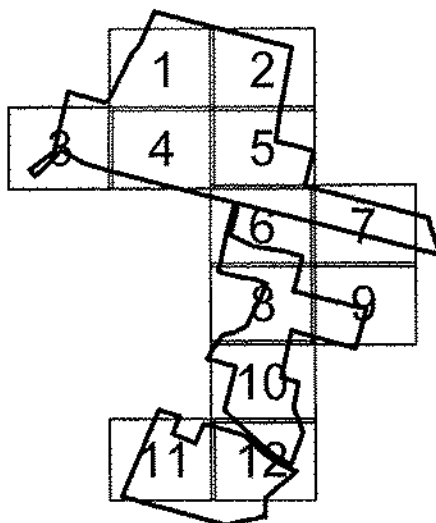
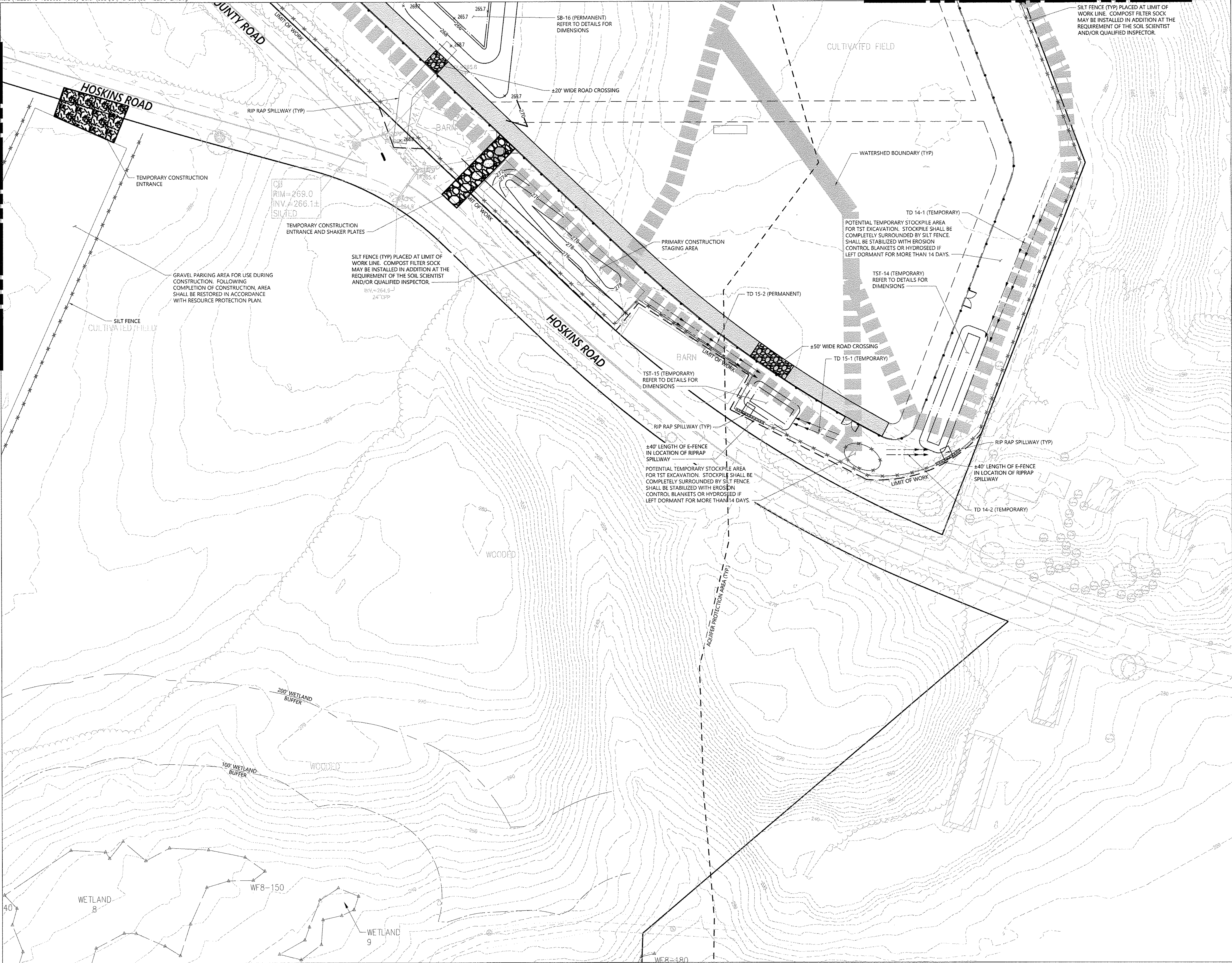




See Sheet 5.11

Match Line

Match Line See Sheet 5.10



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**Tobacco Valley Solar**  
County Road & Hoskins Road  
Simsbury, Connecticut

No.	Revision	Date	Apprv.

Designed by	SJK	Checked by	PV
Issued for	Construction	Date	January 15, 2019

Drawing Title

**Erosion and Sediment  
Control Plan - 12**



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GZA GeoEnvironmental, Inc.