

NPDES PERMIT

issued to

Mailing Address:

Kimberly Lesay, Bureau Chief
Bureau of Policy and Planning
Connecticut Department of Transportation
2800 Berlin Turnpike
Newington, CT 06111

Location Address:

I-95 from southeast of the Pattagansett River crossing to
Bridge # 00250 near Exit 75
East Lyme, CT 06333

Receiving Waterbody: Latimer Brook and
Pattagansett River

Permit ID: CT0030802

Issuance Date: TBD

Effective Date: TBD

Expiration Date: TBD

SECTION 1: GENERAL PROVISIONS

- (A) This permit is issued in accordance with section 22a-430 of Chapter 446k, Connecticut General Statutes ("CGS"), and Regulations of Connecticut State Agencies ("RCSA") adopted thereunder, as amended, and section 402(b) of the Clean Water Act, as amended, 33 USC 1251, et. seq., and pursuant to an approval dated September 26, 1973, by the Administrator of the United States Environmental Protection Agency for the State of Connecticut to administer an N.P.D.E.S. permit program.
- (B) Connecticut Department of Transportation ("Permittee"), shall comply with all conditions of this permit including the following sections of the RCSA which have been adopted pursuant to section 22a-430 of the CGS and are hereby incorporated into this permit. Your attention is especially drawn to the notification requirements of subsection (i)(2), (i)(3), (j)(1), (j)(6), (j)(8), (j)(9)(C), (j)(10)(C), (j)(11)(C), (D), (E), and (F), (k)(3) and (4) and (l)(2) of section 22a-430-3.

Section 22a-430-3 General Conditions

- (a) Definitions
- (b) General
- (c) Inspection and Entry
- (d) Effect of a Permit
- (e) Duty
- (f) Proper Operation and Maintenance
- (g) Sludge Disposal
- (h) Duty to Mitigate
- (i) Facility Modifications; Notification
- (j) Monitoring, Records and Reporting Requirements
- (k) Bypass
- (l) Conditions Applicable to POTWs
- (m) Effluent Limitation Violations (Upsets)
- (n) Enforcement
- (o) Resource Conservation
- (p) Spill Prevention and Control
- (q) Instrumentation, Alarms, Flow Recorders
- (r) Equalization

Section 22a-430-4 Procedures and Criteria

- (a) Duty to Apply
 - (b) Duty to Reapply
 - (c) Application Requirements
 - (d) Preliminary Review
 - (e) Tentative Determination
 - (f) Draft Permits, Fact Sheets
 - (g) Public Notice, Notice of Hearing
 - (h) Public Comments
 - (i) Final Determination
 - (j) Public Hearings
 - (k) Submission of Plans and Specifications. Approval.
 - (l) Establishing Effluent Limitations and Conditions
 - (m) Case by Case Determinations
 - (n) Permit issuance or renewal
 - (o) Permit Transfer
 - (p) Permit revocation, denial or modification
 - (q) Variances
 - (r) Secondary Treatment Requirements
 - (s) Treatment Requirements for Metals and Cyanide
 - (t) Discharges to POTWs - Prohibitions
- (C) Violations of any of the terms, conditions, or limitations contained in this permit may subject the Permittee to enforcement action including, but not limited to, seeking penalties, injunctions and/or forfeitures pursuant to applicable sections of the CGS and RCSA.
- (D) Any false statement in any information submitted pursuant to this permit may be punishable as a criminal offense under section 22a-438 or 22a-131a of the CGS or in accordance with section 22a-6, under section 53a-157b of the CGS.
- (E) The authorization to discharge under this permit may not be transferred without prior written approval of the Commissioner of Environmental Protection ("Commissioner"). To request such approval, the Permittee and proposed transferee shall register such proposed transfer with the Commissioner, at least 30 days prior to the transferee becoming legally responsible for creating or maintaining any discharge which is the subject of the permit transfer. Failure, by the transferee, to obtain the Commissioner's approval prior to commencing such discharge(s) may subject the transferee to enforcement action for discharging without a permit pursuant to applicable sections of the CGS and RCSA.
- (F) No provision of this permit and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by the Permittee pursuant to this permit will result in compliance or prevent or abate pollution.
- (G) Nothing in this permit shall relieve the Permittee of other obligations under applicable federal, state and local law.
- (H) An annual fee shall be paid for each year this permit is in effect as set forth in section 22a-430-7 of the Regulations of Connecticut State Agencies.
- (I) This permitted discharge is consistent with the applicable goals and policies of the Connecticut Coastal Management Act (section 22a-92 of the Connecticut General Statutes).

SECTION 2: DEFINITIONS

- (A) The definitions of terms used in this 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 permit, the following definitions shall apply:
- (B) In addition to the above, the following definitions shall apply to this permit:

“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 Oceanic and Atmospheric

Administration (NOAA) Atlas 14, Volume 10, Version 2, Point Precipitation Frequency Estimates (as amended), 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” has the same meaning as provided 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 the Commissioner of Energy and Environmental Protection or the Commissioner’s designee.

“Construction activity” means any activity and discharges associated with construction at a site or the site’s preparation for construction, including, but not limited to, clearing, grubbing, pile driving, soil disturbance, soil compaction by construction equipment, staging and stockpiling, cleaning and washout, grading, excavation, and dewatering.

“DOT” means the State of Connecticut Department of Transportation.

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

“Designing qualified professional” means the qualified professional engineer or qualified soil erosion and sediment control professional, as defined below, who developed the original Stormwater Pollution Control Plan for which authorization is granted under this permit.

“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.

“Disturbance” means the area on a site where soil will be exposed or susceptible to erosion during any construction activity.

“Effective Impervious Cover” is the area of impervious cover that is hydraulically connected to a water or wetland by means of continuous paved surfaces, gutters, swales, ditches, drain pipes or other conventional conveyance and detention structures that do not reduce runoff volume. Impervious cover is a surface composed of any material that impedes or prevents infiltration of water into the soil. Impervious surfaces shall include, but are not limited to, roofs, solid decks, driveways, patios, sidewalks, parking areas, tennis courts, concrete or asphalt streets, or compacted soils or compacted gravel surfaces.

“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.

“Final stabilization” for a site authorized by this permit means that no disturbed areas remain exposed, there is no active erosion or sedimentation present on the site, and that vegetation or permanent non-vegetative ground cover, as specified in the Permittee’s Plan, have been fully established over the entire site.

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

“General Permit” means the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities issued by the Commissioner effective on December 31, 2020, and as may be amended.

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

“Guidelines” means the 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 RCSA 22a-426-1, 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.

“Low Impact Development” or “LID” means a site design strategy that maintains, mimics or replicates predevelopment 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 this 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, DOT or by any other state or federal institution (as defined in the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems) and discharging to surface waters of the state.

“Municipality” has the same meaning as provided in section 22a-423 of the Connecticut General Statutes.

“Normal Working Hours” 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 entity which initiates, creates or maintains a discharge authorized under this 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 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. Such qualified professional engineer shall remain in good standing with the Connecticut Department of Consumer Protection and the Commissioner.

“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, 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. Such qualified soil erosion and sediment control professional shall remain in good standing with the Connecticut Department of Consumer Protection and the Commissioner.

“Regulated Municipal Separate Storm Sewer System” or “Regulated MS4” means any MS4 (as defined above) authorized by the most recently issued General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems, as well as the separate storm sewer system of the DOT and the City of Stamford including all those located partially or entirely within an Urbanized Area and those additional 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.

“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. 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 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 or is otherwise connected by a right-of-way, which such person controls.

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

“Soil Scientist” shall be as defined in section 22a-38 of the Connecticut General Statutes.

“Stabilize” means the use of measures as outlined in the 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

“Standard of care”, 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.

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

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

“Stormwater Pollution Control Plan”, “SWPCP”, or “Plan” means the stormwater pollution control plan required under this permit and approved by Commissioner.

“Stormwater Quality Manual” means the 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 of disturbance on a site during all phases of construction activity.

“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.

“Waters” shall be as defined in section 22a-423 of the Connecticut General Statutes, and for clarification shall include vernal pools and intermittent waters.

“Water Quality Standards” means the water quality standards in RCSA 22a-426-1 et seq, and the classification maps adopted pursuant to section 22a-426 of the Connecticut General Statutes, as both 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 Connecticut Stormwater Quality Manual, as amended.

“Wetland” shall mean and include both “wetland” as defined in section 22a-29 of the Connecticut General Statutes and “wetlands” as defined in section 22a-38 of the Connecticut General Statutes.

SECTION 3: COMMISSIONER'S DECISION

- (A) The Commissioner has issued a final determination and found that the conditions established in this permit will protect the waters of the state from pollution. The Commissioner’s decision is based on Application No.202111162 for permit issuance received on November 3, 2021 and the administrative record established in the processing of that application.
- (B) From [FIRST DAY OF MONTH, MONTH FOLLOWING PERMIT REISSUANCE] until this permit expires or is modified or revoked, the Commissioner hereby authorizes the Permittee to discharge in accordance with the terms and conditions of Permit No. CT0030802, issued by the Commissioner to the Permittee on [DATE OF PERMIT ISSUANCE], Application No. 202111162 received by the Department on November 3, 2021, and all modifications and approvals issued by the Commissioner or the Commissioner’s authorized agent for the discharge and/or activities authorized by, or associated with, Permit No. CT0030802, issued by the Commissioner to the Permittee on [DATE OF PERMIT ISSUANCE].
- (C) The Commissioner reserves the right to make appropriate revisions to the permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the Federal Clean Water Act or the CGS or regulations adopted thereunder, as amended. The permit as modified or renewed under this paragraph may also contain any other requirements of the Federal Clean Water Act or CGS or regulations adopted thereunder which are then applicable.

SECTION 4: GENERAL EFFLUENT LIMITATIONS

- (A) No discharge shall contain, or cause in the receiving stream, a visible oil sheen or floating solids or cause visible discoloration or foaming in the receiving stream.

- (B) No discharge shall cause acute or chronic toxicity in the receiving water body beyond any zone of influence specifically allocated to that discharge in this permit.
- (C) The temperature of any discharge shall not increase the temperature of the receiving stream above 83°F or, in any case, raise the temperature of the receiving stream by more than 4°F. The incremental temperature increase in coastal, marine, or cold water stream habitat waters is limited to 1.5°F during the period including June, July, August and September.

SECTION 5: STORMWATER POLLUTION CONTROL PLAN

- (A) The Permittee shall implement practices and maintain compliance with the approved Stormwater Pollution Control Plan ("Plan"), prepared for Project No. 0044-0156: I-95 Interchange 74 Improvements at Route 161 and Replacement of Bridge No. 00250 and any amendments implemented in accordance with this section. In addition, the Permittee shall comply with the following: the Connecticut Guidelines for Soil Erosion and Sediment Control ("Guidelines"), as amended; the Connecticut Stormwater Quality Manual; and the provisions of this section.
- (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 requirements of this 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.
- (C) The Permittee shall amend the Plan if the actions required by the Plan fail to prevent pollution or 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. Within 7 days of amending the Plan in accordance with this section, the Permittee shall submit to the Commissioner a description of the changes, an explanation of the need for the changes, and a schedule for implementation.
- (D) In no event shall failure to complete, maintain or update a Plan relieve the Permittee of responsibility to implement any actions required to protect the waters of the state and to comply with all conditions of this permit.
- (E) The Plan shall clearly identify each contractor and subcontractor that will perform actions on the site which may reasonably be expected to cause or have the potential to cause pollution of the waters of the State, and shall include a copy of the certification statement shown below signed by each such contractor and subcontractor. All certifications shall be included in the Plan.

Certification Statement

"I certify under penalty of law that I have read and understand the terms and conditions of this permit. I understand that as a contractor or subcontractor at the site, I am authorized by this permit, and must comply with the terms and conditions of this permit, including but not limited to the requirements of the 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.

- (F) All construction activities authorized by this permit shall be inspected initially for Plan implementation and then weekly for routine inspections. Upon project completion and prior to submission of a Request for Revocation (as seen in Appendix A), post-construction and final stabilization inspections shall also be conducted.
 - (a) Plan Implementation Inspections
 - (i) Prior to the commencement of each phase of the construction activity on the site, the permittee shall contact the designing qualified professional to ensure that all required inspections are conducted. For each phase of construction, the site shall be inspected at least once within the first thirty (30) days of construction activity and at least three times, with seven (7) or more days between inspections, within the first ninety (90) days of construction activity to confirm compliance with this permit and proper initial

implementation of all control measures designated in the Plan for each phase of construction. The following conditions shall apply:

(b) Routine Inspections

- (i) The permittee shall routinely inspect the site for compliance with this permit, including, but not limited to, compliance with the Plan for the site, until a Request for Revocation has been submitted to the Commissioner. Inspection procedures for these routine inspections shall comply with the following:
 - (1) 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), shall inspect, at a minimum, the following: disturbed areas of the construction activity that have not been finally stabilized; all erosion and sediment control measures; all structural control measures; all soil stockpile areas; all washout areas and locations where vehicles enter or exit the site. For storms that end on a weekend, holiday or other time after which normal working hours will not commence within 24 hours, a routine 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. In areas of the site where temporary stabilization has been implemented, a routine inspection shall be conducted at least weekly until final stabilization has been achieved. Once all post-construction stormwater measures have been installed in accordance with the Plan and cleaned of any construction sediment or debris, a post-construction inspection shall be conducted. For sites that have implemented final stabilization, a final-stabilization inspection shall be conducted.
 - (2) During each routine inspection the qualified inspector(s) shall, among other things, 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). In addition, during each routine inspections the site including, but not limited to, all of the areas noted in the preceding paragraph, shall be inspected for evidence of, or the potential for, pollutants discharging to waters, or 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.
 - (3) The qualified inspector conducting routine inspections shall prepare a report of each inspection. Each such report shall be retained as part of the Plan. A copy of each inspection report shall be submitted electronically to deep.stormwaterstaff@ct.gov. This report shall summarize: the scope of the inspection; name(s) and qualifications of personnel conducting 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," in Appendix B of this 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) calendar days and incorporated into a revised Plan within ten (10) calendar 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.

(c) Post-Construction Inspections

- (i) Once all post-construction stormwater measures have been installed and cleaned of any construction sediment or debris, the DOT District Engineer or his/her designee and/or DOT District Environmental Coordinator, , will inspect the site to confirm compliance with the Plan and this permit.
- (ii)

(d) Final Stabilization Inspections

- (i) Once the site has achieved final stabilization for at least one full growing season in the year following the end of construction, the Permittee shall have the site inspected by a qualified inspector to confirm such stabilization is maintained. The Permittee shall indicate compliance with this requirement on the Request for Revocation form.

(G) The Permittee shall retain an updated copy of the Plan and all inspection reports required by this section, at the site, until the Request for Revocation is approved. Once the Request for Revocation is approved, the permittee must maintain all records from this permit for a minimum of five (5) years.

(H) Erosion and Sediment Controls

Erosion and sediment controls shall be installed and maintained in accordance with the Guidelines and the requirements of this permit. Use of controls to comply with this permit that are not included in the Guidelines must be approved by the Commissioner or the Commissioner's designated agent. The Plan and any amendments to the Plan, shall comply with the following:

(1) Stabilization Practices

Existing vegetation shall be preserved where attainable and disturbed portions of the site must be stabilized. Stabilization practices may include but not be limited to: silt fences, temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other vegetative and non-structural measures as may be identified by the guidelines. Where construction activities have permanently ceased or have temporarily been suspended for more than seven days, or when final grades are reached in any portion of the site, stabilization practices shall be implemented within three days. Areas that will remain disturbed but inactive for at least thirty days shall receive temporary seeding in accordance with the Guidelines. Areas that will remain disturbed beyond the planting season, shall receive long-term, non-vegetative stabilization sufficient to protect the site through the winter. In all cases, stabilization measures shall be implemented as soon as possible in accordance with the Guidelines. Areas to be graded with slopes steeper than 3:1 (horizontal:vertical) and higher than 15 feet shall be graded with appropriate slope benches in accordance with the Guidelines.

(2) Structural Practices

Structural practices shall be used to divert flows away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Such practices include but may not be limited to earth dikes (diversions), drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, outlet protection, reinforced soil retained systems, gabions, and temporary or permanent sediment basins and chambers. Unless otherwise specifically approved in writing, structural measures shall be installed on upland soils.

At a minimum, for discharge points that serve an area with between 2 and 5 disturbed acres at one time, a sediment basin, sediment trap, or other control as may be defined in the Guidelines for such drainage area, shall be designed in accordance with the Guidelines and installed. All sediment traps or basins shall provide a minimum of 134 cubic yards of water storage per acre drained and shall be maintained until final stabilization of the contributing area. This requirement 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 sediment trap or basin. Any exceptions must be approved in writing by the commissioner.

For discharge points that serve an area with more than 5 disturbed acres at one time, a sediment basin shall be designed in accordance with the Guidelines and installed, which basin shall provide a minimum of 134 cubic yards of water storage per acre drained and which basin shall be maintained until final stabilization of the contributing area. This requirement 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 sediment basin. Outlet structures from sedimentation basins shall not encroach upon a wetland. Any exceptions must be approved in writing by the commissioner.

(3) Maintenance

All erosion and sediment control measures, including vegetation and other protective measures shall be maintained in good and effective operating condition in accordance with the Guidelines and the conditions of this permit.

(4) Other controls

- (a) Best management practices shall be performed at the site to ensure that no litter, debris, building materials, or similar materials are discharged to waters of the State.
- (b) Off-site vehicle tracking of sediments and the generation of dust shall be minimized.
- (c) All post-construction stormwater structures shall be cleaned of construction sediment and any remaining silt fence shall be removed at the completion of the project when the site has been stabilized.

SECTION 6: REPORTING REQUIREMENTS

- (A) If applicable, the Permittee may either submit monitoring data, inspection information, and other reports to the Department electronically via email to DEEP.StormwaterStaff@ct.gov.

This permit is hereby issued on [Issuance Date].

Katherine S. Dykes
Commissioner

KSD/LG

Appendix A: Request for Revocation

The attached form will allow the Permittee to revoke this permit, and can only be completed after the Final Stabilization Inspection. The original copy of the completed form shall be sent to:

Laura Gaughran, Sanitary Engineer 2
Department of Energy and Environmental Protection
Bureau of Materials Management and Compliance Assurance
Water Permitting and Enforcement Division
Construction Stormwater Staff
79 Elm Street
Hartford, CT 06106 5127

And

A scanned copy of the completed form shall be emailed to deep.stormwaterstaff@ct.gov.

Request for Revocation Form

This Notice serves as a request to revoke the below listed permit.

Part I: Permittee Information

1. Permit Number: _____
2. Registrant: _____
3. Site Address: _____
City/Town: _____ State: _____ Zip Code: _____
4. Date of completion of construction: _____
Date all storm drainage structures were
cleared of construction sediment and debris: _____
Date Range of post-construction inspections: _____
Date of final stabilization inspection(s)*: _____
Qualified Inspector who conducted the
Final Stabilization Inspection:
(This person must sign Part III) _____
5. Check the post-construction activities at the site (check all that apply):
- | | | |
|-------------------------------------|--------------------------------------|--|
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Residential | <input type="checkbox"/> Capped Landfill |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Solar Array | <input type="checkbox"/> Other: _____ |

* The Final Stabilization Inspection must occur at least one full growing season after final stabilization has been achieved. A full growing season is defined as the timeframe encompassed by two consecutive full seeding seasons: April 1 through June 15, and August 15 through October 1. If final stabilization is achieved during a seeding season, the following seeding season will be considered the first full seeding season after final stabilization has been achieved.

(Attach additional Sheets as needed)

Part II: State Agency Post-Construction Inspection Certification

Certification by a DOT District Engineer or his/her designee and/or DOT District Environmental Coordinator, or the designated employee of another state agency

"I hereby certify that I am (TITLE). I am familiar with the site described in this Request for Revocation and the requirements of this permit. I certify, based on my personal inspection of the site that all post-construction measures have been installed as specified in the permittee's Stormwater Pollution Control Plan and in accordance with this permit and that all such measures have been cleaned of construction sediment and debris. 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."

Signature of (TITLE)

Date

Name of (TITLE) (print or type)

Title

Check off the qualifications of the signatory of the above part:

☐ Qualified Professional Engineer

☐ Qualified Soil Erosion and
Sediment Control Professional

☐ Representative of the District

(Attach additional Sheets as needed)

Part III: Final Stabilization Inspection Certification

Certification by a Qualified Inspector

"I hereby certify that I am a qualified inspector. I am familiar with the site described in this Request for Revocation and the requirements of this permit. I certify, based on my personal inspection of the site that the site has been stabilized for a period of no less than one full growing season following the cessation of construction activities. I further certify that there is no active erosion or sedimentation present on site and no disturbed areas remain exposed. 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."

Signature of Qualified Inspector

Date

Name of Qualified Inspector (print or type)

Title

(Attach additional Sheets as needed)

Part IV: Permittee Certification

Certification by the Permittee

"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."

Signature of Permittee

Date

Name of Permittee (print or type)

Title

(Attach additional documentation as needed)

Part V: Additional Submittals

The following attachments are required to be submitted along with the Request for Revocation Form:

- ☐ Post-Construction Inspection Report(s) (must contain photos with time stamps)
- ☐ Final Stabilization Inspection Report(s) (must contain photos with time stamps)

Appendix B: Certification of Documents

Any document, including but not limited to any notice, information, or report, which is submitted to the Commissioner under this permit shall be signed by the permittee, or a duly authorized representative of the permittee, and by the individual(s) responsible for actually preparing such document, each of whom shall sign the attached Certification.

DRAFT

Certification of Documents

"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."

Name

Date

Title

Name

Date

Title

Name

Date

Title

Name

Date

Title

Name

Date

Title

DATA TRACKING AND TECHNICAL FACT SHEET

PERMIT, ADDRESS, AND FACILITY DATA

PERMIT #: CT0030802 APPLICATION #: 202111162
 PERMITTEE: Connecticut Department of Transportation (CT DOT)

Mailing Address:						Location Address:					
Street:		2800 Berlin Turnpike				Description:		1.3 miles of I-95 from southeast of the Pattagansett River crossing to Bridge # 00250 near Exit 75.			
City:	Newington	ST:	CT	Zip:	06111	City:	East Lyme	ST:	CT	Zip:	06357
Contact Name:		Kimberly Lesay, Bureau Chief									
Email:		Kimberly.lesay@ct.gov									

PERMIT INFORMATION

DURATION 5 YEAR X 10 YEAR ____ 30 YEAR ____

TYPE New X Reissuance ____ Modification ____

CATEGORIZATION POINT (X) NON-POINT () GIS # ____

NPDES (X) PRETREAT () GROUND WATER(UIC) () GROUND WATER (OTHER) ()

NPDES MAJOR (MA) ____

NPDES SIGNIFICANT MINOR or PRETREAT SIU (SI) ____

NPDES or PRETREATMENT MINOR (MI) X

PRETREAT SIGNIFICANT INDUS USER (SIU) ____

PRETREAT CATEGORICAL (CIU) ____

Note: If it's a CIU then check off SIU

POLLUTION PREVENTION MANDATE ____ ENVIRONMENTAL EQUITY ISSUE ____

COMPLIANCE ISSUES

Does the Permit contain a compliance schedule? **NO** X **YES** ____

IS THE PERMITTEE SUBJECT TO A PENDING ENFORCEMENT ACTION? **NO** X **YES** ____

OWNERSHIP CODE

Private ____ Federal ____ State X Municipal (town only) ____ Other public ____

DEEP STAFF ENGINEER Laura Gaughran

PERMIT FEES

Application Filing and Processing Fee: \$1300.00

Annual Fee:

DISCHARGE CODE	WASTEWATER CATEGORY (per 22a-430-7)	ANNUAL FEE (per 22a-430-7)
1080000	Stormwater and dewatering associated with construction activities	\$2,912.50

RECEIVING STREAMS AND SEGMENT NUMBERS

Latimer Brook: CT2202-00_01

Water Quality Standard: A

Pattagansett River: CT2205-00_02

Water Quality Standard: A

NATURE OF CONSTRUCTION ACTIVITY GENERATING DISCHARGE

Widening of 1.3 miles of I-95, the reconfiguration of the Exit 74 interchange ramps and the reconstruction of Route 161 (Flanders Road) and Frontage Road. Associated activities include inland wetlands mitigation including cold water fisheries habitat improvement, wetlands enhancement and creation resulting in 105,705 square feet of temporary and permanent impacts.

RESOURCES USED TO DRAFT PERMIT

- X Department File Information: Including, but not limited to, the Stormwater Pollution Control Plan submitted in support of Application No. 202111162, and materials submitted to DEEP Land and Water Resources Division in support of Application No. IWWQC-202111219 for a 401 Water Quality Certification and Inland Wetlands and Watercourses Permit
- X Other – DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities – Effective December 31, 2020

BASIS FOR LIMITATIONS, STANDARDS OR CONDITIONS

- X Best Professional Judgment
- X Case-by-Case Determination
- X Other – DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities – Effective December 31, 2020

GENERAL COMMENTS

Sections 3(b)(15) and 5(b)(2)(D)(vi) of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (effective date: December 30, 2020) require the maintenance of a one-hundred (100) foot undisturbed buffer between any construction activities and any stream, river, or tributary that is included within a cold water stream habitat. Because the proposed construction activity will take place within the buffer area of Latimer Brook, CT DOT submitted Application No. 202111162 on November 3, 2021 for an individual NPDES permit to discharge stormwater and dewatering wastewaters from construction activities to Latimer Brook and the Pattagansett River. The conditions specified within the NPDES permit are consistent with the requirements of the General Permit for

Discharge of Stormwater and Dewatering Wastewaters from Construction Activities effective December 30, 2020. Such construction activities, which also include inland wetlands mitigation, cold water fisheries habitat improvement, and wetlands enhancement and creation are being authorized in coordination with CT DEEP Inland Wetlands & Watercourses Permit Section 401 Water Quality Certification, License Number 202111219-IWWQC.

**NOTICE OF TENTATIVE DECISION
INTENT TO ISSUE A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR
THE FOLLOWING DISCHARGES
INTO THE WATERS OF THE STATE OF CONNECTICUT**

TENTATIVE DECISION

The Commissioner of Energy and Environmental Protection hereby gives notice of a tentative decision to issue a permit based on an application submitted by the **Connecticut Department of Transportation** ("the applicant") under section 22a-430 of the Connecticut General Statutes for a permit to discharge into the waters of the state.

In accordance with applicable federal and state law, the Commissioner has made a tentative decision that the proposed soil erosion and sediment controls to manage the discharge of stormwater and dewatering wastewater during construction will protect the waters of the state from pollution and the Commissioner proposes to require the applicant to submit final plans and specifications of the proposed controls and such additional information as the Commissioner deems necessary to ensure the protection of the waters of the state from pollution. If such plans are approved by the Commissioner, the Commissioner proposes to issue a permit for discharges to Latimer Brook and the Pataganett River.

APPLICANT'S PROPOSAL

Project Description: Widening of 1.3 miles of I-95, the reconfiguration of the Exit 74 interchange ramps and the reconstruction of Route 161 (Flanders Road) and Frontage Road.

Project Location: The proposed activity will take place along 1.3 miles of I-95 from southeast of the Pataganett River crossing to Bridge # 00250 near Exit 75 in East Lyme CT.

The name and mailing address of the permit applicant are: **Connecticut Department of Transportation, 2800 Berlin Turnpike, Newington CT 06131**

REGULATORY CONDITIONS

General Conditions

The conditions specified within the NPDES permit are consistent with the conditions present in the General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities effective December 30, 2020 with the exception that the permittee will be conducting construction activities within a waterway included within a Cold Water Stream Habitat. Such construction activities, which also include inland wetlands mitigation, cold water fisheries habitat improvement, and wetlands enhancement and creation are being authorized in coordination with CT DEEP Inland Wetlands & Watercourses Permit Section 401 Water Quality Certification, License Number 202111219-IWWQC.

COMMISSIONER'S AUTHORITY

The Commissioner of Energy and Environmental Protection is authorized to approve or deny such permits pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended, 33 USC 1251, *et. seq.* and section 22a-430 of the Connecticut General Statutes and the Water Discharge Permit Regulations (section 22a-430-3 and 4 of the Regulations of Connecticut State Agencies).

INFORMATION REQUESTS

The application has been assigned Application No. 202111162 and Permit Number CT0030802 by the Department of Energy and Environmental Protection. Please use this number when corresponding with this office regarding this application.

Interested persons may obtain copies of the application from Kimberley Lesay, Bureau Chief, Bureau of Policy and Planning at Kimberley.lesay@ct.gov.

The application is available for inspection by contacting Laura Gaughran at 860-424-4049 or laura.gaughran@ct.gov at the Department of Energy and Environmental Protection, Bureau of Materials Management and Compliance Assurance, 79 Elm Street, Hartford, CT 06106-5127 from 8:30 - 4:30, Monday through Friday.

Any interested person may request in writing that his or her name be put on a mailing list to receive notice of intent to issue any permit to discharge to the surface waters of the state. Such request may be for the entire state or any geographic area of the state and shall clearly state in writing the name and mailing address of the interested person and the area for which notices are requested.

PUBLIC COMMENT

Before making a final decision on this application, the Commissioner shall consider written comments on the application from interested persons. Written comments on the application should be directed to Laura Gaughran via electronic mail to: laura.gaughran@ct.gov no later than thirty (30) days from the publication date of this notice. Written comments may also be submitted in paper form to the Department of Energy and Environmental Protection, Bureau of Materials Management and Compliance Assurance, 79 Elm Street, Hartford, CT 06106. In this submittal, please identify the name of the staff assigned to the application, the permit application number, the permit number, and your phone number and/or email address to facilitate responses to your comments.

PETITIONS FOR PUBLIC HEARING

The Commissioner may conduct a public hearing if the Commissioner determines that the public interest will best be served thereby, or shall hold a hearing upon receipt of a petition signed by at least twenty-five persons. Petitions should include the application number noted above and also identify a contact person to receive notifications. Petitions may also identify a person who is authorized to engage in discussions regarding the application and, if resolution is reached, withdraw the petition. Original signed petitions may be scanned and sent electronically to deep.adjudications@ct.gov or may be mailed to: DEEP Office of Adjudications, 79 Elm Street, 3rd floor, Hartford, CT 06106-5127. All petitions must be received within the comment period noted above. If submitted electronically, original signed petitions must also be mailed to the address above within ten days of electronic submittal. If a hearing is held, timely notice of such hearing will be published in a newspaper of general circulation and posted on the DEEP website at portal.ct.gov/DEEP.

July 13, 2022

Dated



Jennifer L. Perry

Bureau Chief

Materials Management and Compliance Assurance

ADA PUBLICATION STATEMENT

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action and Equal Opportunity Employer that is committed to complying with the Americans with Disabilities Act. To request an accommodation contact us at (860) 418-5910 or deep.accommodations@ct.gov