

DRAFT PERMIT

Permittee: The Nature Conservancy

Devil's Den Preserve
PO Box 1162
Weston, CT 06883
Attn: Sally Harold

Permit No: DS-201604814

Town: Colchester

Project: Removal of Norton Paper Company Dam, Colchester Dam# 2802

Waters: Pine Brook and Jeremy River

Pursuant to Connecticut General Statutes Section 22a-403, the Commissioner of Energy and Environmental Protection ("Commissioner") hereby grants a permit to The Nature Conservancy ("the Permittee") to conduct regulated activities associated with the removal of the Norton Paper Company Dam CTDamID# 2802 located on the Jeremy River below the confluence of Pine Brook in the town of Colchester, CT. The purpose of said activities authorized herein is to remove the concrete dam and restore the Jeremy River and Pine Brook to their original pre-dam condition.

AUTHORIZED ACTIVITY

Specifically, the permittee is authorized to perform the following: In conjunction with and following the demolition of the derelict mill building on site, install coffer dams to dewater the impoundment, install rip rap scour protection at the footings of the upstream Paper Mill Road bridge, remove the accumulated clean sediment within the impoundment, place the removed sediment in areas on site, re-create stream channels for Pine Brook and the Jeremy River, remove the concrete Paper Company Dam, work with Dam Safety program staff to finalize the acceptable design to create a stable stream channel at the dam and building interface, and finalize the project to restore the area to similar to the pre-dam condition.

The activities proposed will impact the Jeremy River and the tributary Pine Brook.

All activities shall be conducted in accordance with plans entitled: "Norton Paper Mill Dam Removal, Colchester, Connecticut, Jeremy River, March 2016 prepared for The Nature Conservancy by Fuss & O'Neill, Inc. with a revision date of July 8, 2016 for Sheet 4.

This authorization constitutes the licenses and approvals required by Section 22a-403 of the Connecticut General Statutes.

This authorization is subject to and does not derogate any present or future property rights or other rights or powers of the State of Connecticut, conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected thereby.

The permittee's failure to comply with the terms and conditions of this permit shall subject the permittee, including the permittee's agents or contractor(s) to enforcement actions and penalties as provided by law.

This authorization is subject to the following conditions:

CONDITIONS:

1. **Expiration.** This permit shall expire three years from the date of issuance.
2. **Construction Commencement and Completion.** If construction authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such time as may be authorized by the Commissioner.
3. **Notification of Project Initiation.**
 - a. The permittee shall notify the Commissioner in writing no less than seven (7) days prior to commencement of permitted activities and no less than seven (7) days following completion of permitted activities.
 - b. The permittee shall, pursuant to Section 22a-377(b)-1(a)(16)C of the Regulations of Connecticut State Agencies, notify the Commissioner and any potentially affected water company in writing at least seven (7) days prior to the lowering of The Norton Paper Mill Pond for the purpose of undertaking permitted activities.
 - c. The Department of Energy and Environmental Protection shall be notified at least forty-eight (48) hours prior to drawdown of the impoundment, in accordance with Section 26-138 of the Connecticut General Statutes. Such notification shall be made to the Inland Fisheries Division, 79 Elm Street, Hartford, CT 06106-5127, and telephone no. 860- 424-3474.
4. **De minimis Alteration.** The permittee may not make any alterations, except de minimis alterations, to the permit authorized plans unless the permittee applies for and receives a modification of this permit. A de minimis alteration means a change in the design,

construction or operation authorized under this permit that does not increase environmental impacts or substantively alter the construction of the project as permitted.

5. **Accuracy of Documentation.** In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. **Best Management Practices & Notification of Adverse Impact.** In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under condition 5 hereof, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. Best Management Practices include, but are not limited, to practices identified in the *Connecticut Guidelines for Soil Erosion and Sediment Control* as revised, 2004 *Connecticut Stormwater Quality Manual*, Department of Transportation's *ConnDOT Drainage Manual* as revised, and the Department of Transportation Standard Specifications as revised.
 - a. The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.
 - b. The work shall be conducted as much as is possible during the seasonal low flow periods of the Jeremy River and Pine Brook.
7. **Reporting of Violations.** The permittee shall, no later than 48 hours after the permittee learns of a violation of this permit, report same in writing to the Commissioner. Such report shall contain the following information:
 - a. the provision(s) of this permit that has been violated;
 - b. the date and time the violation(s) was first observed and by whom;
 - c. the cause of the violation(s), if known
 - d. if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
 - e. if the violation(s) has not ceased, the anticipated date when it will be corrected;
 - f. steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;

- g. the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify said report in accordance with condition 12 of this permit.
- 8. Material Storage in the Floodplain.** The storage of any materials at the site which are buoyant, hazardous, flammable, explosive, soluble, expansive, radioactive, or which could in the event of a flood be injurious to human, animal or plant life, below the elevation of the five-hundred (500) year flood is prohibited. Any other material or equipment stored at the site below said elevation by the permittee or the permittee's contractor must be firmly anchored, restrained or enclosed to prevent flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day.
- 9. Permit Transfer.** This permit is not transferable without the prior written consent of the Commissioner.
- 10. Contractor Notification.** The permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
- 11. Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee or a responsible corporate officer of the permittee, a general partner 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 the 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 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 and in accordance with any other applicable statute.”

- 12. Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Director, Inland Water Resources Division
Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

- 13. Rights.** This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.

14. Dam Safety Conditions

- a. This permit and a copy of the approved plans shall be kept at the project site and made available to the Commissioner at any time during the construction of permitted activities.
- b. Permitted dam removal activities shall be performed under the supervision of an engineer who is licensed to practice in the State of Connecticut and who is familiar with dam construction and removal. Said engineer shall, upon completion of the permitted activities, certify to the Commissioner in writing that the permitted activities have been completed according to the approved plans and specifications.
- c. Within thirty (30) days of completion of the permitted activities, permittee shall submit to the Commissioner a record drawing on a single sheet depicting the removed dam as completed, including any deviations from the approved plans and specifications. Said drawing shall be prepared and sealed by the engineer who oversaw the construction. In addition, the permittee shall arrange for submission of an electronic copy of the final record drawing in Adobe Acrobat "pdf" format.

- d. Nothing in this permit and no order, approval or advice of the Commissioner, shall relieve any owner or operator of {a dam} from his legal duties, obligations and liabilities resulting from such ownership or operation. No action for damages sustained through the partial or total failure of any structure or its maintenance shall be brought or maintained against the state, the Commissioner of Energy and Environmental Protection, or his employees or agents.
 - e. If during the process of construction, unforeseen conditions are found on the site and the permittee and their engineer determine that it would be appropriate to modify the design, then the permittee shall notify DEEP within 24 hours of any potential design changes to determine if the design modifications will be an activity that can be categorized as a de minimis activity when compared to the permitted design. No work shall take place which was not included as part of the permitted design until DEEP responds to this determination request.
- 15. Finalize Channel Design at Dam/Building Foundation.** Following removal of the mill building, the permittee or the engineer overseeing the construction work must contact the DEEP Dam Safety Program by phone at 860-424-3870 or email at DEEP.DamSafety@ct.gov to schedule an inspection of the area where the dam and building were connected that presently is inaccessible. The final channel design in the area will be considered a de minimis activity but must be field approved by program staff in consultation with the contractor and engineer.
- 16. Sequence of Construction and Water Control.** The Sequence of Construction and Water Handling Plan provided in the application shall be reviewed by the contractor constructing the dam rehabilitation. If the plan is revised or updated, a copy of the revised plan must be submitted to the Dam Safety Program at its email address: DEEP.DamSafety@ct.gov before beginning construction or within 48 hours of its revision after construction has started
- 17. Flood Contingency Plan.** The flood contingency plan submitted with the application as Attachment I shall be reviewed by the contractor constructing the dam rehabilitation and if any revisions are made to the plan, a copy of the revised plans must be submitted to the Dam Safety Program at DEEP.DamSafety@ct.gov within 48 hours.
- 18. Species of Special Concern.** The permittee shall execute all elements in the plan entitled, “Norton Paper Mill Dam Removal Plan / Jeremy River, Colchester / Protection and Monitoring Plan for Connecticut Species of Special Concern,” dated March 2016, revised through July 7, 2016, and prepared by The Nature Conservancy.
- 19. Invasive Plant Monitoring.** The permittee shall complete the 3-year Invasive Plant Monitoring and Control Program (the program) as described in the Mitigation/Restoration Evaluation document appended to their Connecticut Addendum – Army Corps of Engineers General Permit State of Connecticut (CT GP) submitted as part of their application. The initial survey shall commence only after one complete growing

season has passed. Annual reports shall be submitted to this division by November 1 of the reporting year. The Commissioner shall have the right to extend the duration of the program based on the review of submitted program results.

Issued by the Commissioner of Energy and Environmental Protection on:

Date

Betsey Wingfield, Bureau Chief
Water Protection and Land Reuse

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