

## **DRAFT PERMIT**

Permittee: LaFramboise Sand & Stone, Inc.  
189 Wauregan Road, Canterbury

Attn: Wayne LaFramboise

Permit No: DIV-201605477 (Modifies DIV-201301111)

Town: Canterbury

Project: Modification of previous permit authorizing sand and gravel wash water withdrawal from recycling basin and pond to include emergency back-up supply from the Quinebaug River

Waters: Unnamed pond, unnamed recycling pond, Quinebaug River

Pursuant to Connecticut General Statutes Section 22a-368, the Commissioner of Energy and Environmental Protection (“Commissioner”) hereby grants a permit to LaFramboise Sand & Stone, Inc. (“the Permittee”) to divert waters of the state at LaFramboise Sand & Stone, 189 Wauregan Road, Canterbury (the “site”) in accordance with the permittee’s application dated April 14, 2016, filed with this Department on April 22, 2016 and described herein. The purpose of said activities is to supply processing water for excavated sand and gravel washing.

### **AUTHORIZED ACTIVITY**

The permittee is authorized to divert water as described below:

1. A total combined maximum withdrawal of 1.400 million gallons of surface water per day from constructed settling basins to serve as the primary process water supply source,
2. A maximum withdrawal of 0.280 million gallons of surface water per day from an unnamed pond when needed to supplement the primary process water supply source, and
3. A combined maximum withdrawal of 0.490 of surface water per day from the Quinebaug River at LaFramboise Sand & Stone and Rawson Sand and Gravel – Plant #4. Withdrawals from the Quinebaug River at LaFramboise Sand & Stone shall be made only when the unnamed pond withdrawal as authorized above can not be used due to low water availability.

All activities shall be conducted in accordance with plans, submitted as a part of the application, entitled:

1. *“Topographic Survey Depicting Irrigation System Portion of Property at 183 Wauregan Road / Canterbury, Connecticut / prepared for: LaFramboise Sand & Stone,”* prepared by Milone and MacBroom, dated August 23, 2016.
2. *“Attachment D4 – Figure 4-1: Drainage Basins / LaFramboise Sand & Stone Diversion Permit Modification,”* prepared by Milone & MacBroom, dated March 2, 2016, revised March 4, 2016.

This authorization constitutes the licenses and approvals required by Section 22a-368.

*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 on [15 years].
2. **Construction Commencement and Completion.** If construction of any permanent structures or facilities 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.** The permittee shall notify the Commissioner in writing two weeks prior to: (A) commencing construction or modification of structures or facilities authorized herein; and (B) initiating the diversion authorized herein.
4. **De minimis Alteration.** Water Diversion Permits (CGS 22a-368) - The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee applies for and receives a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de

de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.

The permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. 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. **In-Water Work.** Unconfined instream work is limited to the period June 1 through September 30. Confinement of a work area by cofferdam techniques using sand bag placement, sheet pile installation (vibratory method only), portadam, or similar confinement devices is allowed any time of the year unless specifically prohibited by a permit condition. The removal of such confinement devices is allowed any time of the year unless specifically prohibited by a permit condition. Once a work area has been confined, in-water work within the confined area is allowed any time of the year. The confinement technique used shall completely isolate and protect the confined area from all flowing water. The use of silt boom/curtain or similar technique as a means for confinement is prohibited.
6. **Maintenance of Structures.** All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, or otherwise exempt pursuant to other General Statutes, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.

Unless the permittee maintains in optimal condition any structures or facilities authorized by this permit, the permittee shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.

7. **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.
8. **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.

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.

9. **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.
10. **Permit Transfer.** This permit is not transferable without the prior written consent of the Commissioner.
11. **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.
12. **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.”

- 13. 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, Water Planning and Management 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.

- 14. 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.
- 15. Metering of Withdrawals.** The permittee shall install totalizing flow meters to measure the overall total amount of water withdrawn from the unnamed pond, recycling pond, and Quinebaug River for which withdrawals are authorized herein, and shall for the duration of this authorization continuously operate and maintain such meters in good working order. In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72 hours.

- 16. Daily Withdrawal Record.** The permittee shall maintain a daily record of the meter readings indicating the total volume of water in gallons withdrawn from the unnamed pond, recycling pond, the Quinebaug River at the site, and the Quinebaug River at Rawson Sand and Gravel - Plant #4 (40 Black Hill Road, Plainfield) that day. The daily record shall also record the hours of operation, the time of meter readings, and denote and explain any instances in which the diversion of water exceeded the authorized withdrawal limitation specified in this permit. Such record shall be signed by the permittee and the individual(s) responsible for actually preparing such record, each of whom shall certify in writing in accordance with Special Condition #12. A copy of the daily record of withdrawals shall be included in the Annual Report to the Commissioner required by Condition #12 of this permit.
- 17. Meter Calibration.** The permittee shall annually test each meter referenced in Condition #15 above and calibrate to within two percent accuracy as shown through a post-calibration test. The permittee shall maintain a record of the accuracy and calibration tests along with supporting documentation and certifications. The permittee shall make a copy of said records available to the Commissioner or the Commissioner's designee immediately upon request.
- 18. Other Restrictions.** The DEEP shall have the right to restrict the diversion authorized in this permit at any time the Commissioner determines: a) a declared local, regional or state-wide drought advisory, watch, warning or emergency necessitates restriction or reduction of water uses, or b) the continuation of the diversion would have an adverse effect on water quality, fisheries resources, aquatic habitat or public health.
- 19. Record Keeping Requirements.** Except as provided below, or as otherwise specified in writing by the commissioner, all information required under this permit shall be retained at the subject site, or be readily available on request. The permittee shall maintain a copy of this permit on site at all times. The permittee shall retain copies of all records and reports required by this permit; and records of all data used to compile these reports for a period of at least ten years from the date such data was generated or report created, whichever is later.
- 20. Quinebaug River Withdrawal Pump and Intake Structure.**

  - a. Any pump used to withdraw water from the Quinebaug River ("the river") at Laframboise Sand & Stone, as authorized herein, shall be completely portable and removed within 24 hours after the immediate need for pumping has ceased.
  - b. The permittee shall locate any such pump at least 100 feet from the riverbank and install privacy panel fencing between the pump and the river in order to minimize noise and visual impact upon those recreating on the river.
  - c. Any piping used to withdraw water from the river shall be colored light brown.
  - d. There shall be no vegetation removed from the riverbank in order to install piping.

- e. There shall be no alteration of the riverbed composition resulting from the placement of the pipe and intake structure.
- 21. Rawson Materials.** At any time that Rawson Materials ceases to be the operator of this site or at Rawson Material Plant #4 (40 Black Hill Road, Plainfield), withdrawals from the Quinebaug River at this site as authorized herein shall be prohibited.
- 22. Annual Report.** The permittee shall submit by January 15 of each year, for the duration of this authorization, an Annual Report for the preceding calendar year. The Annual Report shall be certified in accordance with Condition #12 of this permit and shall contain the following:
- a. A copy of the record of daily withdrawals and hours operated as required by Condition #16 of this permit, and
  - b. Denotation and explanation of any instances of violation of the authorized withdrawal limitation(s) or any other condition of this authorization.

Issued by the Commissioner of Energy and Environmental Protection on:

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Date

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Michael Sullivan  
Deputy Commissioner