

## PERMIT

Permittee: Eversource Energy Service Company  
107 Seldon Street  
Berlin, CT 06037

Attn: Chris Fritz

Permit No: DS-201606831 & WQC-201606832

Town: Bloomfield, Windsor

Project: Bloomfield-Windsor Upgrades Project

Waters: Wash Brook, Beamans Brook, Griffin Brook, Deckers Brook

Pursuant to Connecticut General Statutes 22a-368 and 22a-403 the Commissioner of Energy and Environmental Protection (“Commissioner”) hereby grants a permit to the Eversource Energy Service Company (“the Permittee”) to conduct regulated activities associated with the Bloomfield-Windsor Upgrades Project. In addition, pursuant to Section 401 of the Federal Clean Water Act (33 USC 1341), Certification is hereby granted for activities, including but not limited to construction or operation of facilities, which may result in any discharge into the waters of the state associated with the above referenced project. The purpose of said activities is to improve the electric supply system in northcentral Connecticut by bringing it into compliance with applicable national and regional reliability standards and criteria.

### AUTHORIZED ACTIVITY

Specifically, the permittee is authorized to: temporarily fill 306,836 square feet of inland wetlands and watercourses, permanently fill 716 square feet of inland wetlands and watercourses, with an additional 52,623 square feet of secondary impacts resulting from forested inland wetland clearing.

The activities proposed will impact unnamed wetlands, Wash Brook, Beaman’s Brook, Griffin Brook, Deckers Brook and will be in close proximity to and/or affect four dams including CT DS# 1101 - Bloomfield Flood Control Dam #3, CT DS# 1105 – Bloomfield Flood Control Dam #2, CT DS# 1138 – Bloomfield Flood Control Dike #2, and CT DS# 1114 – Fish and Wildlife Pond Dam #3A.

All activities shall be conducted in accordance with plans entitled: *“Eversource / Bloomfield-Windsor Upgrades Project / Proposed Modifications to: 1777/1779 Line Between Bloomfield Substation and Bloomfield Junction / 1751/1777 Line Between Bloomfield Junction and North*

*Bloomfield Substation / 1779 Line Loop at Rood Avenue Substation / Bloomfield and Windsor, Connecticut / Attachment G.1: Bloomfield-Windsor Upgrades Project Maps,*” Sheets 1 through 15, prepared by AECOM, dated May 2016, revised through August 2016, submitted as a part of the application.

This authorization constitutes the licenses and approvals required by Section 22a-403 of the Connecticut General Statutes and Section 401 of the Federal Clean Water Act (33 USC 1341).

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.

Said discharge(s) will comply with the applicable provisions of sections 301, 302, 303, 306 and 307 of the Federal Clean Water Act (33 USC 1311, 1312, 1313, 1316 and 1317, respectively) and will not violate Connecticut's Water Quality Standards.

***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 dam safety permit shall expire on [3 years] and the Water Quality Certifications shall expire upon expiration of the U.S. Army Corps of Engineers (USACOE) Section 404 permit for the same activity.
- 2. Construction Commencement and Completion.** If construction of any 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 commencing construction or modification of structures or facilities authorized herein.
- 4. De minimis Alteration.** 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. 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. **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.

6. **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.
7. **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.

8. **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 time(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.
- 9. 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.
- 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, 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.

- 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. Dam Safety Conditions.**

- a. This permit and a copy of the approved plans and specifications shall be kept at the project site and made available to the Commissioner at any time during the construction of permitted activities.
- b. Permitted 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. 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 record drawings depicting the dam construction as completed, including any deviations from the approved plans and specifications. Said drawings 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 drawings in Adobe Acrobat “pdf” format.

- d. 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.
- 16. Invasive Species Control Plan.** The permittee shall execute adhere to all pertinent measures contained in the document entitled “Invasive Species Management in Wetlands” as contained in Section 5 of Attachment L (Mitigation Report) of their application. Further, the permittee shall submit pre-construction invasive plant species surveys to the commissioner at least thirty (30) days prior to start of project construction. Monthly invasive species monitoring reports as referenced in section A1.4 of the aforementioned document shall be submitted to the commissioner on an ongoing basis during the construction period as well as for a period not less than five (5) years after project completion only during the growing season of April through October. Annual reports shall also be submitted to the commissioner by December 31 of each year of the construction period and five (5) year post-construction period.

#### **Blue Hills Dam (Site 2)**

17. All equipment, fill, gravel, and mats shall be kept at least twenty (20) feet from the dam embankment and toe drains, including pipes and toe drain fill material.
18. All construction machinery shall be prohibited from crossing the dam. The permittee shall direct all construction personnel required to cross the dam to not repeatedly use the same path in order to prevent damage to the vegetation.
19. Any crossing of the outlet channel downstream of this dam must be of a size and configuration to prevent additional backwater at the dam outlet during all flow events.
20. The Natural Resource Conservation Service (NRCS) shall be notified forty-eight (48) hours prior to the start of construction in this area at 860-871-4011.

#### **Neligon Dike (Site 2)**

21. The access road over this dike shall have its top elevation and top width maintained to as-built elevations with compacted clean fill similar in gradation to the dike embankment. As-built drawings of this area shall be provided to the permittee by NRCS.

22. The NRCS shall be notified forty-eight (48) hours prior to the start of construction in this area at 860-871-4011.

**Bloomfield Dam (Site 3)**

23. Work areas for structures 3135 & 3135-1 will be constructed as shown Attachment G.1 figure dated August 16, 2016, sheet 13 of 25 of the application as amended. Any changes to this design will be reviewed and approved by NRCS and the department's Dam Safety Section prior to the initiation of work at this area. The permittee shall prohibit the use or placement of equipment, fill, gravel, or construction mats outside of the limits of this work area as indicated on the aforementioned attachment.
24. Any crossing of the outlet channel downstream of this dam must be of a size and configuration to prevent additional backwater at the dam outlet during all flow events.
25. All auxiliary spillway toe drains and tile lines under the access road off route 189 shall be protected from any damage caused by project machinery traveling over these features and shall be replaced by the permittee if damaged. Further, any damage to the road surface caused by project machinery in this area shall be restored by the permittee to pre-project condition. The NRCS shall provide as-built drawings documenting pre-construction condition if necessary.
26. The NRCS shall be notified forty-eight (48) hours prior to the start of construction in this area at 860-871-4011.

**Bloomfield Fish and Wildlife Dam (Site-3a)**

27. The permittee shall use overlapping road mat system along the access road; or alternatively Class I or Class IV non-woven geotextile as referenced in Material Specification of Part 642 of the NRCS National Engineering Handbook and fill beginning at the start of auxiliary spillway as indicated in Attachment G.1 figures dated August 16, 2016, sheets 14A and 14C of 25 as amended. Construction mats or specified fabric and fill shall extend approximately 275 feet north/northeasterly along the access road to the beginning of the auxiliary spillway as indicated on Sheet 14A of 25 of Attachment G.1, as amended.
28. Any temporary superstructure used to cross the existing bridge on this dam during project construction shall span existing abutments to avoid any excessive loading.
29. The permittee shall provide to the NRCS slope stability and wall stability calculations for the temporary superstructure referenced in the previous condition demonstrating that contact points will not concentrate the load, but spread it to as much surface area as

possible. This information shall be provided by the permittee forty-eight (48) hours prior to the start of construction at this location. Upstream and downstream slope stability shall be for the full flood pool rapid drawdown condition, as if the design storm had just come through to elevation 143.5. The NRCS shall provide to the permittee any detailed design criteria necessary to satisfy this condition.

30. The permittee shall, to the satisfaction of the department, repair or replace any damage caused during construction to the existing fence at this location.
31. The permittee shall prevent or restore any additional rutting or settlement of dam, approaching access roads, or auxiliary spillway to pre-project conditions. Restoration shall be with compacted clean fill similar in gradation to the existing structure, after first removing any road gravel or organic material. The permittee shall provide pre-level surveys to the department and NRCS prior to initiation of construction at this location, and post-level surveys no later than three (3) months after the end of construction at this location. The permittee shall coordinate with NRCS to determine necessary survey requirements.
32. The permittee shall submit as-built engineering drawings to the department and NRCS no later than three (3) months after the end of construction at this location only in the event any permanent fill is placed on the dam or spillway at this location. Said as-built drawings shall including title sheet, plan view, crest centerline profile, a cross section, and gradations of material used, depth and extents of existing material removed, and elevations and extent of new fill.
33. NRCS shall be notified forty-eight (48) hours prior to the start of construction in this area at 860-871-4011.

Issued by the Commissioner of Energy and Environmental Protection on:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael Sullivan  
Deputy Commissioner