

**General Permit Registration Form for the  
Discharge of Stormwater and Dewatering  
Wastewaters from Construction Activities,  
effective 10/1/13**

**Milvon-Devon**

The United Illuminating Company/  
Metro North Linear Rail Project

September 2014



56 Quarry Road  
Trumbull, Connecticut 06611

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### General Permit Registration Form for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, effective 10/1/13 Milvon-Devon

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Application Form  
Part V: Stormwater Discharge Information

#### Attachments

End of Report

- A Site Location Map
- B Documentation Related to Coastal Consistency Review
- C Threatened and Endangered Species Form / NDDB Determination
- D Not Applicable
- E Non-Electronic Pollution Control Plan (as submitted)
- F Historic and/or Archaeological Information: State Historic Preservation Office Letter



**General Permit Registration Form for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, effective 10/1/13 (non-electronic form)**

Prior to completing this form, you **must** read the instructions for the subject general permit available at [DEEP-WPED-INST-015](#).  
 This form must be filled out electronically before being printed.  
 You must submit the registration fee along with this form.

The [status of your registration](#) can be checked on the DEEP's ezFile Portal. Please note that DEEP will no longer mail certificates of registration.

CPPU USE ONLY	
App #:	_____
Doc #:	_____
Check #:	_____
Program:	Stormwater

**Part I: Registration Type**

Select the appropriate boxes identifying the registration type and registration deadline.

Registration Type		Registration Timeline	
<input type="checkbox"/>	<b>Re-registration</b> Existing Permit No. GSN _____	<b>On or before February 1, 2014*</b>  *Note: Failure to renew a permit by this date will require submission of new registration. Re-registrants must only complete Parts I, II, III (except Question 8), IV - Question 1, VII and submit Attachment A.	
<input checked="" type="checkbox"/>	<b>New Registration</b>  (Refer to Section 2 of the permit for definitions of Locally Exempt and Locally Approvable Projects)	<input type="checkbox"/> <b>Locally Approvable Projects</b> Size of soil disturbance:	<b>New registration - Sixty (60) days prior to the initiation of the construction activity for:</b>  Sites with a total soil disturbance area of 5 or more acres
		<input checked="" type="checkbox"/> <b>Locally Exempt Projects</b> Size of soil disturbance:  <b>12.29 acres</b>	<input checked="" type="checkbox"/> <b>New registration - Sixty (60) days prior to the initiation of the construction activity for:</b> Sites with a total disturbance area of one (1) to twenty (20) acres except those with discharges to impaired waters or tidal wetlands
			<input type="checkbox"/> <b>New registration - Ninety (90) days prior to the initiation of the construction activity for:</b>  (i) Sites with a total soil disturbance area greater than twenty (20) acres, or (ii) Sites discharging to a tidal wetland (that is not fresh-tidal and is located within 500 feet), or (iii) Sites discharging to an impaired water listed in the "Impaired Waters Table for Construction Stormwater Discharges"

## Part II: Fee Information

1. New Registrations
  - a. Locally approvable projects (registration only):
    - \$625 [#1855]
  - b. Locally exempt projects (registration and Plan):
    - \$3,000 total soil disturbance area  $\geq$  one (1) and < twenty (20) acres. [#1856]
    - \$4,000 total soil disturbance  $\geq$  twenty (20) acres and < fifty (50) acres. [#1857]
    - \$5,000 total soil disturbance  $\geq$  fifty (50) acres. [#1858]
2. Re-Registrations
  - \$625 (sites previously registered prior to September 1, 2012) [#1853]
  - \$0 (sites previously registered between September 1, 2012 and the issuance date of this permit) [#1854]

*The fees for municipalities shall be half of those indicated in subsections 1.a., 1.b., and 2 above pursuant to section 22a-6(b) of the Connecticut General Statutes. State and Federal agencies shall pay the full fees specified in this subsection. The registration will not be processed without the fee. The fee shall be non-refundable and shall be paid by certified check or money order payable to the Department of Energy and Environmental Protection.*

## Part III: Registrant Information

- If a registrant is a corporation, limited liability company, limited partnership, limited liability partnership, or a statutory trust, it must be registered with the Secretary of the State. If applicable, the registrant's name shall be stated **exactly** as it is registered with the Secretary of the State. This information can be accessed at [CONCORD](#).
- If a registrant is an individual, provide the legal name (include suffix) in the following format: First Name; Middle Initial; Last Name; Suffix (Jr, Sr., II, III, etc.).

1. Registrant /Client Name: The United Illuminating Company  
**Registrant Type**  Registration Type: Business Entity Business Type: Corporation  
Secretary of the State business ID #:   
Mailing Address: 180 Marsh Hill Road  
City/Town: Orange State: CT Zip Code: 06477  
Business Phone: (203) 926-4500 ext.:  
*Example:(xxx) xxx-xxxx*  
Contact Person: Richard J. Reed, PMP Title: Vice President - Engineering and Project Excellence  
E-Mail:  
Additional Phone Number (if applicable): ext.
2. List billing contact, if different than the registrant:  
Name: UIL Holding Corporation  
Mailing Address: 180 Marsh Hill Road  
City/Town: Orange State: CT Zip Code: 06477  
Business Phone: (203) 926-4595 ext.:  
Contact Person: Shawn C. Crosbie Title: Environmental Analyst

(shawn.crosbie@uinet.com)

**Part III: Registrant Information (continued)**

3. List primary contact for departmental correspondence and inquiries, if different than the registrant:

Name: **UIL Holding Corporation**  
Mailing Address: **180 Marsh Hill Road**  
City/Town: **Orange** State: **CT** Zip Code: **06477**  
Business Phone: **(203) 926-4595** ext.:  
Site Phone: Emergency Phone:  
Contact Person: **Shawn C. Crosbie** Title: **Environmental Analyst**  
(**shawn.crosbie@uinet.com**)  
Association (e.g. developer, general or site contractor, etc.): **Employee / Contact for Registrant**

4. List owner of the property on which the activity will take place, if different from registrant:

Name: **Connecticut Department of Transportation, Office of Rail**  
Mailing Address: **50 Union Avenue, 4th Floor West**  
City/Town: **New Haven** State: **CT** Zip Code: **06519**  
Business Phone: **(203) 497-3383** ext.:  
Contact Person: **Julie Thomas** **Supervising Rail Officer**

5. List developer, if different from registrant or primary contact:

Name: **Black & Veatch**  
Mailing Address: **11401 Lamar Avenue**  
City/Town: **Overland Park** State: **KS** Zip Code: **66211**  
Business Phone: **913-458-7412** ext.:  
Contact Person: **David Koehler** Title:

6. List general contractor, if different from registrant or primary contact:

Name: **Black & Veatch**  
Mailing Address: **11401 Lamar Avenue**  
City/Town: **Overland Park** State: **KS** Zip Code: **66211**  
Business Phone: **913-458-7412** ext.:  
Site Phone: Off Hours Phone:  
Contact Person: **David Koehler** Title:

7. List any engineer(s) or other consultant(s) employed or retained to assist in preparing the registration and/or Stormwater Pollution Control Plan.  Please select if additional sheets are necessary, and label and attach them to this sheet.

Name: **Fuss & O'Neill, Inc.**  
Mailing Address: **56 Quarry Road**  
City/Town: **Trumbull** State: **CT** Zip Code: **06611**  
Business Phone: **(203) 374-3748** ext.: **3509**  
Contact Person: **Joseph E. Lenahan III** Title: **Senior Project Manager**  
PE, LEED AP  
Service Provided: **Consultant and Registration Form/ Plan Preparation**

8. List Reviewing Qualified Professional (for locally approvable projects only):

Name: Contact Person:  
Mailing Address:  
City/Town: State: Zip Code:  
Business Phone: ext.:

**Part IV: Site Information**

1. Site Name: **Milvon-Devon Railroad Line R.O.W.**  
Street Address or Description of Location: Non-contiguous / linear railroad sections across southern CT  
City/Town: Milford State: CT Zip Code:  
Brief Description of construction activity: Utility tower upgrades throughout the railroad  
Project Start Date: 4 / 2015 Anticipated Completion Date: 6 / 2016  
(month/ yr) (month/ yr)  
Normal working hours: 7:00AM to 5:00PM Dependent upon CTDOT and Metro-North Schedule

2. MINING: Is the activity on the site in question part of mining operations (i.e. sand and gravel)?  Yes  No  
If yes, mining is not authorized by this general permit. You must submit the Registration Form for the General Permit for the Discharge of Stormwater Associated with Industrial Activity.

3. COMBINED OR SANITARY SEWER: Does all of the stormwater from the proposed activity discharge to a combined or sanitary sewer (i.e. a sewage treatment plant)?  Yes  No  
If yes, this activity is not regulated by this permit. Contact the Water Permitting & Enforcement Division at 860-424-3018.

4. INDIAN LANDS: Is or will the facility be located on federally recognized Indian lands  Yes  No

5. COASTAL BOUNDARY: Is the activity which is the subject of this registration located within the coastal boundary as delineated on DEEP approved coastal boundary maps  Yes  No

The coastal boundaries fall within the following towns: Branford, Bridgeport, Chester, Clinton, Darien, Deep River, East Haven, East Lyme, Essex, Fairfield, Greenwich, Groton (City and Town), Old Lyme, Guilford, Hamden, Ledyard, Lyme, Madison, Milford, Montville, New London, New Haven, North Haven, Norwalk, Norwich, Old Saybrook, Orange, Preston, Shelton, Stamford, Stonington (Borough and Town), Stratford, Waterford, West Haven, Westbrook and Westport.

If "yes", and this registration is for a new authorization or a modification of an existing authorization where the physical footprint of the subject activity is modified, you must provide documentation the DEEP Office of Long Island Sound Programs or the local governing authority has issued a coastal site plan approval or determined the project is exempt from coastal site plan review. Provide this documentation with your registration as Attachment B. See guidance in Appendix D of the general permit. Information on the coastal boundary is available at the local town hall or at [www.cteco.uconn.edu/map\\_catalog.asp](http://www.cteco.uconn.edu/map_catalog.asp). Additional DEEP Maps and Publications are available by contacting DEEP staff at 860-424-3555.

**Part IV: Site Information (continued)**

**6. ENDANGERED OR THREATENED SPECIES:**

In order to be eligible to register for this General Permit, each registrant must perform a self-assessment, obtain a limited one-year determination, or obtain a safe-harbor determination regarding threatened and endangered species. This may include the need to develop and implement a mitigation plan. While each alternative has different limitations, the alternatives are not mutually exclusive; a registrant may register for this General Permit using more than one alternative. See Appendix A of the General Permit. Each registrant must complete this section AND Attachment C to this Registration form and a registrant who does not or cannot do so is not eligible to register under this General Permit.

Each registrant must perform a review of the Department's Natural Diversity Database maps to determine if the site of the construction activity is located within or in proximity (within ¼ mile) to a shaded area.

- a. Provide the date the NDDDB maps were reviewed: 11/15/2013 (Print a copy of the NDDDB map you viewed since it must be submitted with this registration as part of Attachment C.)
- b. For a registrant using a limited one-year determination or safe harbor determination to register for this General Permit, provide the Department's Wildlife Division NDDDB identification number for any such determination: 201400345 (The number is on the determination issued by the Department's Wildlife Division).
- c. verify that I have completed Attachment C to this Registration Form.  Yes

For more information on threatened and endangered species requirements, refer to Appendix A and Section 3(b)(2) of this General Permit, visit the DEEP website at [www.ct.gov/deep/nddbrequest](http://www.ct.gov/deep/nddbrequest) or call the NDDDB at 860-424-3011.

7. WILD AND SCENIC RIVERS: Is the proposed project within the watershed of a designated Wild and Scenic River? ( See Appendix H for guidance)  Yes  No

8. AQUIFER PROTECTION AREAS: Is the site located within a mapped aquifer protection area [www.ct.gov/deep/aquiferprotection](http://www.ct.gov/deep/aquiferprotection) as defined in section 22a-354h of the CT General Statutes? (For additional guidance, please refer to Appendix C of the General Permit)  Yes  No

9. CT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL: Is the activity in accordance with CT Guidelines for Erosion and Sediment Control and local erosion & sediment control ordinances, where applicable?  Yes  No

10. HISTORIC AND/OR ARCHAEOLOGICAL RESOURCES:  
Has the site of the proposed activity been reviewed (using the process outlined in Appendix G of this permit) for historic and/or archaeological resources?  Yes  No

a. The review indicates the proposed site does not have the potential for historic/ archaeological resources, OR  Yes  No

b. The review indicated historic and/ or archaeological resource potential exists and the proposed activity is being or has been reviewed by the Offices of Culture and Tourism, OR  Yes  No

c. The proposed activity has been reviewed and authorized under an Army Corps of Engineers Section 404 wetland permit.  Yes  No

11. CONSERVATION OR PRESERVATION RESTRICTION:  
Is the property subject to a conservation or preservation restriction?  Yes  No

If Yes, proof of written notice of this registration to the holder of such restriction or a letter from the holder of such restriction verifying that this registration is in compliance with the terms of the restriction, must be submitted as Attachment D.

## Part V: Stormwater Discharge Information

Table 1 (See Attached Sheets)				
Outfall #	a) Type	b) Pipe Material	c) Pipe Size	d) Note: To find lat/long, go to: <a href="#">CT ECO</a> . A decimal format is required here. Directions on how to use CT ECO to find lat./long. and conversions can be found in Part V, Section d of the <a href="#">DEEP-WPED-INST-015</a> .
	Select One: <input type="text"/>	Select One: <input type="text"/>	Select One: <input type="text"/>	Longitude
	Select One: <input type="text"/>	Select One: <input type="text"/>	Select One: <input type="text"/>	Latitude
	Select One: <input type="text"/>			
	Select One: <input type="text"/>			
	Select One: <input type="text"/>			
	Select One: <input type="text"/>			

Table 2 (See Attached Sheets)						
Outfall #	a) For temporary and permanent outfalls, provide a start date. For temporary discharges, also provide a date the discharge will cease.	b) For the drainage area associated with each outfall: Effective Impervious Area Before Construction	c) For the drainage area associated with each outfall: Effective Impervious Area After Construction	d) To what system or receiving water runoff discharge? either "storm sewer" or "wetlands/waterbody" (If you select "storm sewer" proceed to Part VI of the form. If you select "wetlands/waterbody" proceed to next question.)	e) For each outfall, does it discharge to any of the following towns: <b>Branford, Kent, Manchester, Meriden, North Branford, Norwalk, or Wilton?</b> (If no, proceed to Part VI of the form. If yes, proceed to next question.)	f) For each outfall, does it discharge to a "freshwater" or "salt water" ? (If you select "freshwater" proceed to Table 3. If you selected "salt water", proceed to Part VI of the form.)
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	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select one: <input type="text"/>
	mm/dd-mm/dd	sq feet	sq feet	Select one: <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Part V: Stormwater Discharge Information (continued)**

<b>Table 3</b> Provide the following information about the receiving water(s)/wetland(s) that receive stormwater runoff from your site:			
Outfall #	a) What is your 305b ID # (water body ID #)? (Section 3.b, of the <a href="#">DEEP-WPED-INST-015</a> , explains how to find this information)	b) Is your receiving water identified as a impaired water in the " <a href="#">Impaired Waters Table for Construction Stormwater Discharges</a> "? If yes, proceed to next question. If no, proceed to Part VI: Pollution Control Plan.	c) Has any Total Maximum Daily Load (TMDL) been approved for the impaired water?
█	█	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
█	█	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
█	█	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
█	█	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
█	█	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N

## Part V: Stormwater Discharge Information (continued)

**Impaired waters:** If you answered “yes” to Table 3, question b., **verify** that the project’s Pollution Control Plan (Plan) addresses the control measures below in Question 1 or 2, as appropriate.

**1. If the impaired water does not have a TMDL**, confirm compliance by selecting 1.a. or 1.b. below:

a. No more than 3 acres is disturbed at any time;  Yes

**OR**

b. Stormwater runoff from a 2 yr, 24 rain event is **retained**.  Yes

**2. If the impaired water has a TMDL**, confirm compliance by selecting 2.a. and 2.b. below and either question 2.c.1. or 2.c.2. below:

a. The Plan documents there is sufficient remaining Waste Load Allocations (WLA) in the TMDL for the proposed discharge,  Yes

**AND**

b. Control measures shall be implemented to assure the WLA will not be exceeded,  Yes

**AND**

c. 1. Stormwater discharges will be monitored for the indicator pollutant identified in the TMDL,  Yes

**OR**

2. The Plan documents specific requirements for stormwater discharges specified in the TMDL.  Yes

## Part VI: Pollution Control Plan (select one of the following four categories)

I am registering a Locally Exempt project and submitting the required electronic Plan (in Adobe™ PDF or similar publically available format) pursuant to Section 3(c)(2)(E) of this permit.

Plan is attached to this registration form

Plan is available at the following Internet Address (URL):

I am registering a Locally Approvable project and have chosen not to submit the Plan with this registration pursuant to Section 3(c)(1) of this permit.

I am registering a Locally Approvable project and have chosen to make my Plan electronically available pursuant to Section 4(c)(2)(N) of this permit.

Plan is attached to this registration form

Plan is available at the following Internet Address (URL):

I am registering a Locally Exempt project and do not have the capability to submit the Plan electronically. Therefore, I am submitting a paper copy with this registration as Attachment E.

**Part VII: Registrant Certification**

The registrant *and* the individual(s) responsible for actually preparing the registration must sign this part. A registration will be considered incomplete unless all required signatures are provided.

**For New Registrants:**

" I hereby certify that I am making this certification in connection with a registration under such general permit,  
 [INSERT NAME OF REGISTRANT BELOW]

submitted to the commissioner by The United Illuminating Company for  
 [INSERT ADDRESS OF PROJECT OR ACTIVITY BELOW]

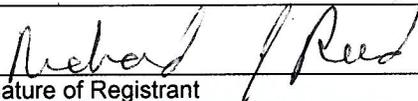
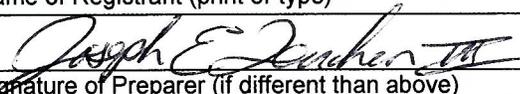
an activity located at Milvon-Devon Railroad along Milford, CT and that all terms and conditions of the general permit are being met for all discharges which have been initiated and such activity is eligible for authorization under such permit. I further certify that a system is in place to ensure that all terms and conditions of this general permit will continue to be met for all discharges authorized by this general permit at the site. I certify that the registration filed pursuant to this general permit is on complete and accurate forms as prescribed by the commissioner without alteration of their text. I certify that I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section 3(b) (8)(A) of such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I certify that I have made an affirmative determination in accordance with Section 3(b)(8)(B) of this general permit. I understand that the registration filed in connection with such general permit is submitted in accordance with and shall comply with the requirements of Section 22a-430b of Connecticut General Statutes. I also understand that knowingly making any false statement made in the submitted information and in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under Section 53a-157b of the Connecticut General Statutes and any other applicable law."

**For Re-registrants:**

" I hereby certify that I am making this certification in connection with a registration under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, submitted to the commissioner  
 [INSERT NAME OF REGISTRANT BELOW]

by [INSERT ADDRESS OF PROJECT OR ACTIVITY BELOW] for an activity located at

and that all terms and conditions of the general permit are being met for all discharges which have been initiated and such activity is eligible for authorization under such permit. I further certify that all designs and plans for such activity meet the current terms and conditions of the general permit in accordance with Section 5(b)(5)(C) of such general permit and that a system is in place to ensure that all terms and conditions of this general permit will continue to be met for all discharges authorized by this general permit at the site. I certify that the registration filed pursuant to this general permit is on complete and accurate forms as prescribed by the commissioner without alteration of their text. I certify that I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section 3(b)(8)(A) of such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I also understand that knowingly making any false statement made in the submitted information and in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under Section 53a-157b of the Connecticut General Statutes and any other applicable law."

	10/2/14
Signature of Registrant	Date
Richard J. Reed, PMP	Vice President - Engineering and Project Excellence The United Illuminating Company
Name of Registrant (print or type)	Title (if applicable)
	10/2/14
Signature of Preparer (if different than above)	Date
Joseph E. Lenahan III, PE, LEED AP	Senior Project Manager - Fuss & O'Neill
Name of Preparer (print or type)	Title (if applicable)



## Part IX: Reviewing Qualified Professional Certification

The following certification must be signed by a) a Conservation District reviewer OR, b) a qualified soil erosion and sediment control and/or professional engineer

**Review certification by Conservation District:**

1.) District: list of districts

Date of Affirmative Determination:

" I am making this certification in connection with a registration under General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, submitted to the commissioner

[INSERT NAME OF REGISTRANT BELOW]

by

[INSERT ADDRESS OF PROJECT OR ACTIVITY BELOW]

I have personally examined and am familiar with the information that provides the basis for this certification, and I affirm, based on the review described in Section 3(b)(11)(C) of this general permit and on the standard of care for such projects, that the Stormwater Pollution Control Plan is adequate to assure that the activity authorized under this general permit will comply with the terms and conditions of such general permit and that all stormwater management systems: (i) have been designed to control pollution to the maximum extent achievable using measures that are technologically available and economically practicable and that conform to those in the Guidelines and the Stormwater Quality Manual; (ii) will function properly as designed; (iii) are adequate to ensure compliance with the terms and conditions of this general permit; and (iv) will protect the waters of the state from pollution."

\_\_\_\_\_  
Signature of District Professional and Date

\_\_\_\_\_  
Name of District Professional and License Number (if applicable)

Or

**Review certification by Qualified Professional**

Company: Fuss & O'Neill, Inc. \_\_\_\_\_

Name: \_\_\_ Craig M. Lapinski, PE \_\_\_\_\_

License # : 23625 \_\_\_\_\_

**Level of independency of professional:**

**Required for all projects disturbing over 1 acre:**

1. I verify I am not an employee of the registrant.  Yes
2. I verify I have no ownership interest of any kind in the project for which the registration is being submitted.  Yes

**Required for projects with 15 or more acres of site disturbance ( in addition to questions 1&2):**

3. I verify I did not engage in any activities associated with the preparation, planning, designing or engineering of the soil erosion and sediment control plan or stormwater management systems plan for this registrant.  Yes
4. I verify I am not under the same employ as any person associated with the preparation, planning, designing or engineering of the soil erosion and sediment control plan or stormwater management systems plan for this registrant.  Yes

**Part IX: Reviewing Qualified Professional Certification (continued)**

"I hereby certify that I am a qualified professional engineer or qualified soil erosion and sediment control professional, or both, as defined in the General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities and as further specified in Sections 3(b)(11)(A) and (B) of such general permit. I am making this certification in connection with a registration under such general permit,

[INSERT NAME OF REGISTRANT BELOW]

submitted to the commissioner by The United Illuminating Company

[INSERT ADDRESS OF PROJECT OR ACTIVITY BELOW]

for an activity located at Milvon-Devon Railroad along Milford, CT

I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section 3(b)(11)(C) of such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I further certify that I have made the affirmative determination in accordance with Sections 3(b)(11)(D)(i) and (ii) of this general permit. I understand that this certification is part of a registration submitted in accordance with Section 22a-430b of Connecticut General Statutes and is subject to the requirements and responsibilities for a qualified professional in such statute. I also understand that knowingly making any false statement in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under Section 53a-157b of the Connecticut General Statutes and any other applicable law."

  
\_\_\_\_\_  
Signature of Reviewing Qualified Professional

Date: 10-14-14

Craig M. Lapinski, PE  
\_\_\_\_\_  
Name of Reviewing Qualified Professional

License No.: 23625

Affix P.E./L.A. Stamp Here



## Part X: Supporting Documents

Select the applicable box below for each attachment being submitted with this registration form. When submitting any supporting documents, please label the documents as indicated below (e.g., Attachment A, etc.) and be sure to include the registrant's name as indicated on this certification form.

**Note: See Appendix A of the Stormwater Pollution Control Plan for all attachments.**

- Attachment A:** Select here as verification that an 8 ½" X 11" copy of the relevant portion of a USGS Quadrangle Map with a scale of 1:24,000, showing the exact location of the facility has been submitted with this registration. Indicate the quadrangle name on the map, and be sure to include the registrant's name. (To obtain a copy of the relevant USGS Quadrangle Map, call your town hall or DEEP Maps and Publications Sales at 860-424-3555)
- Attachment B:** Documentation related to *Coastal Consistency Review*, if applicable.
- Attachment C:** Threatened and Endangered Species Form and any additional information (such as a copy of a NDDB map)
- Attachment D:** Conservation or Preservation Restriction Information, if applicable.
- Attachment E:** Where applicable, non-electronic Pollution Control Plan.
- Attachment F:** Historic and/ or Archaeological Information: State Historic Preservation Office Letter

Note: Please submit the fee along with a completed, printed and signed Registration Form and all additional supporting documents to:

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

## Part V: Stormwater Discharge Information

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**Part V: Stormwater Discharge Information**

<b>Table 1</b>						
<b>Outfall #</b>	<b>a) Type</b>	<b>b) Pipe Material</b>	<b>c) Pipe Size</b>	<b>d) Longitude</b>	<b>d) Latitude</b>	<b>e) What method was used to obtain your latitude/longitude information?</b>
1-865N	Sheet Flow Runoff from Work Site	NA	NA	-73.10541	41.20696	CT-ECO
2-871N	Sheet Flow Runoff from Work Site	NA	NA	-73.09839	41.2084	CT-ECO
3-876N	Sheet Flow Runoff from Work Site	NA	NA	-73.09304	41.20976	CT-ECO
4-878N	Sheet Flow Runoff from Work Site	NA	NA	-73.09109	41.21029	CT-ECO
5-882AN	Sheet Flow Runoff from Work Site	NA	NA	-73.08759	41.21126	CT-ECO
6-887ANN	Sheet Flow Runoff from Work Site	NA	NA	-73.08156	41.21307	CT-ECO
7-887ANS	Sheet Flow Runoff from Work Site	NA	NA	-73.07260	41.21662	CT-ECO
8-STRING	Sheet Flow Runoff from Work Site	NA	NA	-73.08037	41.21368	CT-ECO
9-866S	Sheet Flow Runoff from Work Site	NA	NA	-73.10374	41.20665	CT-ECO
10-870S	Sheet Flow Runoff from Work Site	NA	NA	-73.10027	41.20762	CT-ECO
11-873S	Sheet Flow Runoff from Work Site	NA	NA	-73.09625	41.20873	CT-ECO
12-878S	Sheet Flow Runoff from Work Site	NA	NA	-73.09127	41.21003	CT-ECO
13-879S	Sheet Flow Runoff from Work Site	NA	NA	-73.08984	41.21025	CT-ECO
14-879S	Sheet Flow Runoff from Work Site	NA	NA	-73.09384	41.20698	CT-ECO
15-880S	Sheet Flow Runoff from Work Site	NA	NA	-73.08857	41.21059	CT-ECO
16-885S	Sheet Flow Runoff from Work Site	NA	NA	-72.08341	41.21199	CT-ECO

Part V: Stormwater Discharge Information (continued)

Table 2						
Outfall #	a) For temporary and permanent outfalls, provide a start date. For temporary discharges also provide a date the discharge will cease.	b) For the drainage area associated with each outfall: Effective Impervious Area Before Construction	c) For the drainage area associated with each outfall: Effective Impervious Area After Construction	d) To what system or receiving water does your stormwater discharge? either "storm sewer" or "wetlands/ waterbody"	e) For each outfall, does it discharge to any of the following towns: <i>Branford, Kent, Manchester, Meriden, North Branford, Norwalk, or Wilton?</i>	e) For each outfall, does it discharge to a "freshwater" or "salt water"?
1-865N	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
2-871N	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
3-876N	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
4-878N	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
5-882AN	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
6-887ANN	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
7-887ANS	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
8-STRING	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
9-866S	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
10-870S	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
11-873S	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
12-878S	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
13-879S	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
14-879S	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
15-880S	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)
16-885S	04/15 - 05/16	0 sq feet (1)	30 sq feet (1)	Sheet flow runoff offsite (2)	No	Sheet flow runoff offsite - No discharge to water body (2)

Notes

(1) Work will be conducted within the existing railroad right-of-way. The transmission towers' 6' diameter concrete bases will be installed.

(2) This project will not create any channeled or concentrated flow. If discharge occurs at the work site it will be overland sheet flow. The turbidity monitor will review each work site for evidence of stormwater flow and take samples if it is observed. The sample locations shown on the Construction Drawing are approximate.

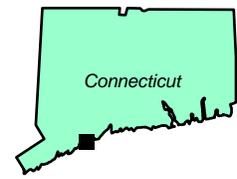
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## Attachment A

### Site Location Map



**MAP REFERENCE:**  
 THIS MAP WAS PREPARED FROM THE FOLLOWING  
 7.5 MINUTE SERIES TOPOGRAPHIC MAP:  
 MILFORD, CONN. 1960 REVISED 1984



Quadrangle Location



THE UNITED ILLUMINATING COMPANY  
**SITE LOCATION MAP**  
 EROSION AND SEDIMENTATION CONTROL PLAN  
 MILFORD, CONNECTICUT

PROJ. No: 20130982.B10  
 DATE: AUGUST 2014

Attachment  
 A

## Attachment B

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### Documentation Related to Coastal Consistency Review





# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL  
TEN FRANKLIN SQUARE  
NEW BRITAIN, CT 06051

**DOCKET NO. 95-08-34 DPUC INVESTIGATION OF THE PROCESS OF AND  
JURISDICTION OVER SITING CERTAIN UTILITY  
COMPANY FACILITIES AND PLANT IN CONNECTICUT**

October 30, 1996

By the following Commissioners:

Janet Polinsky  
Reginald J. Smith  
Jack R. Goldberg

**DECISION**

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## **DECISION**

### **I. INTRODUCTION**

#### **A. BACKGROUND**

The Department of Public Utility Control (Department) opened this docket on its own motion to conduct a generic investigation on the allocation of siting jurisdiction over utility plant and facilities. This generic investigation is the result of two overlapping requests for clarification regarding Department jurisdiction over the facilities of public service companies, following a long history of such requests. First, the Town of Fairfield (Fairfield) petitioned the Department for clarification regarding the jurisdiction of its Inland Wetlands Agency over the installation of a water main by the Bridgeport Hydraulic Company (BHC). Fairfield Letter, 3/7/95. The Department designated this request Docket No. 95-03-13, Request of the Town of Fairfield for Declaratory Ruling as to the Applicability of Section 16-235 of the General Statutes of Connecticut. On July 24, 1995, the Department issued a Request for Position Papers under that docket. Two position papers dated September 29, 1995, were filed on October 2, 1995, one by Fairfield and one on behalf of the Connecticut Department of Environmental Protection (DEP).

Concurrently, the Department received a letter requesting clarification regarding the Town of Canton (Canton) Inland Wetland Commission's jurisdiction over electric distribution line construction by The Connecticut Light and Power Company (CL&P). Canton Letter, 6/9/95.

#### **B. CONDUCT OF THE PROCEEDING**

The Department conducted this investigation on a generic and uncontested basis, under authority granted pursuant to General Statutes of Connecticut (Conn. Gen. Stat.) §§ 16-11, 16-235 and 16-243, evaluating related issues for all the public service company types under its jurisdiction to decrease the need for case-by-case responses to such requests. The Department took administrative notice of the record in Docket No. 95-03-13 and that docket was subsumed under this investigation by Request For Written Comments dated October 31, 1995.

By Notice of Extension of Time For Written Comments and Notice of Technical Meeting dated November 13, 1995, the Department extended the time for participants to comment. Pursuant to that Notice, the Department convened a technical meeting on December 12, 1995, to determine issues and to outline the scope and schedule of the proceeding, based on the written comments of participants. By Notice of Hearing dated December 26, 1995, the Department convened a public hearing on January 25, 1996, at the offices of the Department and continued the hearing to January 26, 29, 30, and February 5, 1996. By Notice of Late Filed Exhibit Hearing dated February 6, 1996, the Department convened a Late Filed Exhibit Hearing on February 22, 1996, at the Department's offices.

### **C. PARTICIPANTS**

Each public service company in Connecticut and all interested persons were given participant status. The participants providing comments, witnesses and/or briefs were: Connecticut Natural Gas Corporation, 100 Columbus Boulevard, Hartford, Connecticut 06144-1500; Office of State Fire Marshal, 1110 Country Club Road, Middletown, Connecticut 06457; Connecticut Siting Council, 136 Main Street, Suite 401, New Britain, Connecticut 06051; The Connecticut Light and Power Company, 107 Selden Street, Berlin, Connecticut 06037; Connecticut Water Company, 93 West Main Street, Clinton, Connecticut 06413; Department of Environmental Protection, 55 Elm Street, Second Floor, Hartford, Connecticut 06106; Stamford Water Company, 103 Summer Street, Stamford, Connecticut 06904; Yankee Gas Service Company, 599 Research Parkway, Meriden, Connecticut 06450-1030, Office of Consumer Counsel, 136 Main Street, Suite 501, New Britain, Connecticut 06051; Town of Canton, 4 Market Street, Collinsville, Connecticut 06022-0168; The United Illuminating Company, 157 Church Street, New Haven, Connecticut 06506-0901; The Southern New England Telephone Company, 227 Church Street, New Haven, Connecticut 06510; Bridgeport Hydraulic Company, 600 Lindley Street, Bridgeport, Connecticut 06610-5243; Southern Connecticut Gas Company, 855 Main Street, Bridgeport, Connecticut 06604-4918; and Town of Fairfield, Inland Wet Lands Agency, 725 Old Post Road, Fairfield, Connecticut 06430.

During the proceeding the Department received another request for jurisdictional clarification from the Town of Westport (Westport) regarding a switching facility of the Southern New England Telephone Company (SNET). Although this request came after the close of the hearing, Westport was added to the service list for this docket and was provided the opportunity to comment on the Department's draft Decision. In addition, the Connecticut Council of Small Towns and Connecticut Conference of Municipalities were provided the opportunity to comment on the draft Decision.

## **II. LEGAL ANALYSIS**

### **A. UTILITY DISTRIBUTION SYSTEMS ON PUBLIC LAND**

Local governments have the authority to control the placement of telephone, cable, electric and other utilities that use conductive distribution facilities on public lands. Conn. Gen. Stat. § 16-235. The first part of this statute states:

Except as provided in section 16-243, the selectmen of any town, the common council of any city and the warden and burgesses of any borough shall, subject to the provisions of section 16-234, within their respective jurisdictions, have full direction and control over the placing, erection and maintenance of any such wires, conductors, fixtures, structures or apparatus, including the relocation or removal of the same and the power of designating the kind, quality and finish thereof, . . . .  
Conn. Gen. Stat. § 16-235.

The word "such" in the above quoted statute refers to utility facilities regulated by the prior statutory section, Conn. Gen. Stat. § 16-234. As the counsel for The United Illuminating Company (UI) explains: "The reference in the first sentence of CGS Section 16-235 to 'such wires, conductors, fixtures, structures or apparatus,' can only be to the 'wires, conductors, fixtures, structures or apparatus of any kind over, on or under any highway or public ground', which are the subject of the preceding CGS Section 16-234." UI Brief, p. 3. If a utility is unable to obtain permission for the siting of such facilities on public rights of way or other public land, an appeal procedure to the Department is available for such orders to any aggrieved party. Conn. Gen. Stat. § 16-235.

CL&P suggests that Conn. Gen. Stat. §§ 16-235 & 16-243 grant the Department exclusive jurisdiction over electric transmission systems, so that local governments may not regulate the placement of such facilities on public land. CL&P Exceptions, pp. 1,2, citing dicta in Docket No. 86-02-14, Petition of City of New Britain Board of Public Works for a Declaratory Ruling Regarding the Location of Underground Utilities (New Britain). In the New Britain docket the Department ruled that the municipality had no authority to require utilities to move existing overhead electric facilities. It was not a case involving the placement of new facilities, but of ordering the removal of existing facilities at considerable expense, and relocating them underground. The Department decided this issue against the municipality.

The New Britain Decision did include broad language which CL&P understood to prohibit all local government review of the placement of telephone, cable, electric and other utilities that use conductive distribution on public lands. However, this Decision clarifies the Department's conclusion that Conn. Gen. Stat. § 16-235 authorizes municipalities to regulate the placement of utility facilities on public lands. CL&P argues that Conn. Gen. Stat. § 16-243 grants to the Department "exclusive jurisdiction and direction over the method of construction or reconstruction" of electric transmission systems. This section of the statutes grants the Department the exclusive authority over how such facilities are designed and constructed, but does not give it exclusive authority over the "placement" on public lands. The regulation of the location of such facilities, including electric distribution facilities, may be reviewed by municipalities, subject to subsequent review by the Department by an aggrieved party. Conn. Gen. Stat. § 16-235.

The municipalities and the state are also authorized to require all public utilities to obtain a permit for any excavation in a portion of any public highway. Conn. Gen. Stat. § 16-229. State and local control is maintained because the public rights-of-way are complex routes. Roadways carry the burdens of traffic, intersecting roads, signs, other utilities, sidewalks and desired trees and other plants. Requiring permits allows the state or local government owner of public rights of way to review such excavation. The excavation permits may be conditioned "upon such terms and conditions as to the manner in which such work shall be carried on as may be reasonable. *Id.* If a public utility is aggrieved by the refusal of local authorities to grant a roadway excavation permit, it may make an appeal to the Department. Conn. Gen. Stat. § 16-231. The

Department must review the utility's request to construct facilities in the roadway and decide if an excavation permit should be granted. The Department is granted the authority to specify the terms and conditions of such a permit. *Id.* This statewide administrative appeal procedure is needed to allow the necessary development of distribution systems.

Conn. Gen. Stat. § 16-228 provides that telephone and telegraph companies may maintain and construct lines and necessary fixtures upon highways and across any waters in this state. This section also recognizes that municipalities and the State may regulate the location of utilities within their respective roadways, but should not prohibit the placement of necessary utility facilities. It allows placement of utility lines and related equipment on highways and over waters, while avoiding obstruction of public travel or navigation or injury to trees, without the consent of owners. Sections 16-228 and 16-229 of the General Statutes of Connecticut are quoted below.

**Sec. 16-228. Telegraph and telephone lines.** Each telegraph company may maintain and construct telegraph lines, and, subject to the restrictions of sections 16-18, 16-248, 16-249 and 16-250, each telephone company may construct and maintain telephone lines, upon any highway or across any waters in this state, by the erection and maintenance of the necessary fixtures, including posts, piers or abutments, for sustaining wires; but the same shall not be so constructed as to incommode public travel or navigation or injure any tree without the consent of the owner, nor shall such company construct any bridge across any waters. Such lines shall be personal property. (Emphasis added)

**Sec. 16-229. Excavation in highway.** Any public service company incorporated under the provisions of the statutes or by special act for the purpose of transmitting or distributing gas, water or electricity or for telephone purposes, desiring to open or make any excavation in a portion of any public highway for the carrying out of any purpose for which it may be organized other than the placing or replacing of a pole or of a curb box, shall, if required by the authority having jurisdiction over the maintenance of such highway, make application to such authority, which may, in writing, grant a permit for such opening, or excavation upon such terms and conditions as to the manner in which such work shall be carried on as may be reasonable. (Emphasis added)

The installation of utility poles and curb boxes are exempted from the requirement for highway excavation permits. Conn. Gen. Stat. § 16-229. A state or local permit is required for roadway excavations "other than the placing or replacing of a pole or of a curb box." *Id.* This exception for poles and curb boxes applies to excavation in public highways, but not to other public lands. "Where SNET seeks to locate or relocate poles on property owned by the town (rather than the public right of way), SNET must seek approval from the town to locate or relocate SNET poles." SNET Brief, pp. 2,3.

Charters granted to some public utilities provide rights to construct distribution systems on public land for public convenience and necessity. One example is UI's Statutory Charter, 31 Spec. Acts 267 (1963), cited in UI Brief, p. 2. UI's statutory charter recognizes the authority of municipalities to supervise the use of their highways, within the joint local/state regulatory system. UI's charter grants the company the "right, subject to any requisite approval of any town . . . to erect, lay, maintain, and operate poles, towers, wires . . . over and under any waters of this state and in, over, under and upon public highways . . . within the state" (emphasis added). UI Brief, p. 2, Ftn 1, See 31 Special Act 262.

There are benefits to municipal and State review and coordination of utility construction on public land. For example, a plan and schedule to install underground utilities can be altered to accommodate other utility projects or road construction. State and local agencies inform individual utilities about planned street, sewer and other utility projects, allowing coordination of highway uses. Traffic safety measures can be reviewed to protect construction crews and the public.

Municipal review of utility highway use should not be equated as prohibiting utility use. Utility employees know they are entitled to Department review of any local siting restrictions on such facilities under Conn. Gen. Stat. §§ 16-231 and 16-235. This right of review encourages negotiations between the utilities and local officials for placing utility facilities in roadways. For example, in DPUC Docket No. 94-07-23, Application of Yankee Gas Services to Appeal the Refusal of the Town of Preston to Issue an Excavation Permit, the Department assisted the Town and utility company to negotiate the placement of a gas line on a public roadway and stream crossing. The determinations and policy clarifications of the Department in this Decision will assist utility company employees, municipal officials and others to understand better the utility siting requirements.

The regulation of these extensive utility distribution systems must balance the regional and statewide utility needs with other needs. These other needs include traffic safety, road maintenance, and municipal facilities, as well as natural and cultural resource protection.

## **B. CONSENT OF OWNERS OF PROPERTY ADJOINING PUBLIC PROPERTY USED FOR UTILITY EQUIPMENT**

### **1. Consent for Location of Wire and Cable Distribution Facilities**

The location of utility distribution systems on public lands affects adjacent landowners. The following statute balances the interests of these landowners with interests of the utilities, their customers and others:

**Sec. 16-234. Rights of adjoining proprietors.** No telegraph, telephone or electric light company or association, nor any company or association engaged in distributing electricity by wires or similar conductors or in using an electric wire or conductor for any purpose, shall exercise any powers

which may have been conferred upon it to change the location of, or to erect or place, wires, conductors, fixtures, structures or apparatus of any kind over, on or under any highway or public ground, without the consent of the adjoining proprietors, or, if such company or association is unable to obtain such consent, without the approval of the department of public utility control, which shall be given only after a hearing upon notice to such proprietors; or to cut or trim any tree on or overhanging any highway or public ground, without the consent of the owner thereof, or, if such company or association is unable to obtain such consent, without the approval of the tree warden or the consent of the department, which consent shall be given only after a hearing upon notice to such owner; but the department may, if it finds that public convenience and necessity require, authorize the changing of the location of, or the erection or placing of, such wires, conductors, fixtures, structures or apparatus over, on or under such highway or public ground; and the tree warden in any town or the department may, if he or it finds that public convenience and necessity require, authorize the cutting and trimming and the keeping trimmed of any brush or tree in such town on or overhanging such highway or public ground, which action shall be taken only after notice and hearing as aforesaid, which hearing shall be held within a reasonable time after the application therefor. (Emphasis added)

This statute regulates that portion of utility plant consisting of “. . . wires, conductors, fixtures, structures or apparatus of any kind over, on or under any highway or public ground.” Conn. Gen. Stat. § 16-234. It applies to telephone, cable, electric, telegraph and other entities that seek to place conductive distribution facilities on public property, regulating all equipment of “any company or association engaged in distributing electricity by wires or similar conductors or in using an electric wire or conductor for any purpose” on or under “any highway or public ground.” *Id.* To provide adjoining property owners input concerning the installation of utility facilities, Conn. Gen. Stat. § 16-234 requires the utilities to obtain the consent of adjoining property owners when constructing such facilities on public rights of way or other public ground. This Section also reinforces a utility company’s authority to “. . . exercise any powers which may have been conferred upon it” to erect such equipment on public land.

Electric distribution lines, those under 69 kilovolt design capacity, are subject to review under Conn. Gen. Stat. § 16-234. However, electric transmission lines and bulk substations, facilities transmitting or regulating electricity at 69 kilovolts or over, are not. The Connecticut Siting Council has exclusive jurisdiction over siting these higher voltage electric transmission facilities. Conn. Gen. Stat. § 16-50x(a). See Sec. II.C. below

Municipalities and utility companies should note that Conn. Gen. Stat. § 16-234 applies to such facilities on all “public ground,” not just highways. Public utilities that seek to place facilities regulated by Conn. Gen. Stat. § 16-234 on public property should obtain the approval of adjoining property owners to install such facilities. CL&P acknowledges that: “Section 16-234 requires an electric company to obtain the consent

of the 'adjoining proprietors' before constructing an electric line along a highway or public ground." CL&P Brief, p. 5. SNET agreed, stating: "Pursuant to § 16-234, SNET also seeks the adjoining property owner's consent prior to locating or relocating poles." SNET Brief, p. 2. Such authorization was mandated to balance the authority granted to utilities to place distribution facilities on public lands. If an abutting property owner does not grant consent to a utility company, approval may be granted by the Department upon application by the utility company. Conn. Gen. Stat. § 16-234. UI also acknowledged that the legislature directed that UI's system for transmitting electricity cannot be located or relocated over public property without the consent of the adjoining property owners, or if electric utilities are unable to obtain such consent, without the approval of the Department. UI Brief, p. 2. The approval of the Department can be given only after a hearing, after notice to the adjoining property owner or owners and the opportunity for them to participate. Id.

Consent from adjoining property owners under Conn. Gen. Stat. § 16-234 is required "to change the location of, or to erect or place, wires, conductors, fixtures, structures or apparatus of any kind" on highways or public land. Such consent is only required for new construction. It is not required for maintenance work where the facilities already exist, such as the replacement of conductors or the replacement of existing poles with similar poles along the same route.

CL&P requests that the Department clarify the interpretation of which "adjoining proprietors" should be asked for consents under Conn. Gen. Stat. § 16-234. CL&P Exceptions, p. 6. CL&P is concerned the draft Decision could be interpreted to mean that all neighbors of a large public parcel, such as a park, should be consulted for every utility installation on such public parcels. This is not the requirement of Conn. Gen. Stat. § 16-234. The word "adjoining" means "neighboring; contiguous, next to." The American Heritage Dictionary of the English Language, Houghton Mifflin Co. (1980). Therefore, the proprietors who must be consulted are those owning land "next to" the utility facility. Where the utility facility runs along the border(s) of public parcels, the proprietors of land adjoining the utility facility must be consulted, not the owners of all parcels bordering the public parcel. For example, where an electric line runs across the interior of a public parcel, the adjoining proprietors requiring consents are the ones owning parcels where the line enters and exits the public parcel,, but not the owners of all parcels adjoining the public parcel. This provides notice and an opportunity for comment by the owners of land next to utility facilities on public land.

## **2. Tree Removal and Trimming**

Conn. Gen. Stat. § 16-234 also requires public utilities to obtain the permission of adjoining property owners to trim or remove trees on or overhanging highways or public ground for installation or maintenance purposes. In some instances this may cause the removal of a tree located on private property and overhanging a highway or public ground. Trees may also have to be removed for the installation or replacement of underground facilities. Problems concerning tree removal do come before local tree wardens and the Department when adjoining owners object to tree trimming or removal. The clearing of brush and tree trimming by the utilities can be done more severely than

some property owners would prefer. It is more economical for the utilities to contract for significant maintenance cutting over longer intervals than to do less trimming more frequently.

Under Conn. Gen. Stat. § 16-234, the Department can mediate or hear disputes between property owners and utilities concerning tree trimming. Tree wardens and the Department must balance the costs and reliability considerations with the aesthetics of more or less frequent or severe tree trimming and removal. Public utilities that have not always obtained the permission of adjoining property owners should establish procedures to be followed for every project. Such permission may not always be readily available to the companies, or to the numerous contractors involved in tree trimming. To ensure compliance with these requirements, each company should consider a method of recording the consents from adjoining property owners.

### **C. UTILITY FACILITIES REGULATED BY THE CONNECTICUT SITING COUNCIL**

The Public Utility Environmental Standards Act (PUESA) authorized the Connecticut Siting Council to control the siting of specific utility facilities. Conn. Gen. Stat. §§ 16-50g et seq. These facilities, which are listed in Conn. Gen. Stat. § 16-50i, have had “a significant impact on the environment and ecology of the state of Connecticut; and that continued operation and development of such power plants, lines and towers, if not properly planned and controlled, could adversely affect the quality of the environment, the ecological, scenic, historic and recreational values of the state.” Id. The public utility facilities requiring a Siting Council Certificate of Environmental Compatibility and Public Need are defined in Conn. Gen. Stat. §16-50i. Under the PUESA a regulated “facility” means:

- (1) An electric transmission line of a design capacity of sixty-nine kilovolts or more including associated equipment but not including a transmission line tap, as defined in subsection (e) of this section;
- (2) a fuel transmission facility, except a gas transmission line having a design capability of less than two hundred pounds per square inch gauge pressure;
- (3) any electric generating or storage facility using any fuel, including nuclear materials, including associated equipment for furnishing electricity but not including an emergency generating device, as defined in subsection (f) of this section or a facility (i) owned and operated by a private power producer, as defined in section 16-243b, (ii) which is a qualifying small power production facility or a qualifying cogeneration facility under the Public Utility Regulatory Policies Act of 1978, as amended, or a facility determined by the council to be primarily for a producer’s own use and (iii) which has, in the case of a facility utilizing renewable energy sources, a generating capacity of one megawatt of electricity or less and, in the case of a facility utilizing cogeneration technology, a generating capacity of twenty-five megawatts of electricity or less;
- (4) any electric substation or switchyard designed to change or regulate the voltage of electricity at sixty-nine kilovolts or more or to connect two or more electric circuits at such voltage, which substation or

switchyard may have a substantial adverse environmental effect, as determined by the council established under section 15-50j, and other facilities which may have a substantial adverse environmental effect as the council may, by regulation, prescribe; (5) such community antenna television towers and head-end structures, including associated equipment, which may have a substantial adverse environmental effect, as said council shall, by regulation, prescribe; and (6) such telecommunication towers including associated telecommunications equipment, owned or operated by the state, a public service company, as defined in section 16-1, or a person, firm or corporation certified by the department of public utility control to provide intrastate telecommunications services pursuant to sections 16-247f to 16-247h, inclusive, or used in a cellular system, as defined in the Code of Federal Regulations Title 47, Part 22, as amended, which may have a substantial adverse environmental effect, as said council shall, by regulation, prescribe. . . .

Conn. Gen. Stat. § 16-50i(a).

The location of the facilities defined in subdivisions (3) and (4) of subsection (a) of Conn. Gen. Stat. § 16-50i are regulated by municipal zoning commissions and inland wetland agencies as well as the CSC. Conn. Gen. Stat. § 16-50x(d). These local bodies must make orders on such applications within 30 days. Such decisions of the local bodies can be appealed to the Connecticut Siting Council within 30 days for a de novo review of the application. The Siting Council may "affirm, modify or revoke such order or make any order in substitution thereof by a vote of six members of the council." Id. This is similar to the process for local then state review (by the Department) for specific utility facilities under Conn. Gen. Stat. § 16-235. The Department does not have a requirement for more than simple majority vote for its Decisions under Conn. Gen. Stat. § 16-235.

#### D. DPUC AUTHORITY OVER UTILITY SITING ON PRIVATE PROPERTY

The placement of utility facilities on private lands is also a matter of great concern to public utilities and their customers. Local commissions are authorized to review the siting of certain utility facilities on privately owned property. These facilities are specifically listed in Conn. Gen. Stat. § 16-235, which states:

**Control by local authorities. Orders. Appeals.** Except as provided in section 16-243, the selectmen of any town, the common council of any city and the warden and burgesses of any borough shall, subject to the provisions of section 16-234, within their respective jurisdictions, have full direction and control over the placing, erection and maintenance of any such wires, conductors, fixtures, structures or apparatus [on public property], including the relocation or removal of the same and the power of designating the kind, quality and finish thereof, but no authority granted to any city or borough or a town planning, zoning, inland wetland, historic

district, building, gas, water or electrical board, commission or committee created under authority of the general statutes or by virtue of any special act, shall be construed to apply to so much of the operations, plant, building, structures or equipment of any public service company as is under the jurisdiction of the department of public utility control, or the Connecticut Siting Council, but zoning commissions and inland wetland agencies may, within their respective municipalities, regulate and restrict the proposed location of any steam plant, gas plant, gas tank or holder, water tank, electric substation, antenna, tower or earth station receiver of any public service company not subject to the jurisdiction of the Connecticut Siting Council. Any local body mentioned in this section and the appellate body, if any, may make all orders necessary to the exercise of such power, direction or control, which orders shall be made within thirty days of any application and shall be in writing and recorded in the records of their respective communities, and written notice of any order shall be given to each party affected thereby. Each such order shall be subject to the right of appeal within thirty days from the giving of such notice by any party aggrieved to the department of public utility control, which, after rehearing, upon notice to all parties in interest, shall as speedily as possible determine the matter in question and shall have jurisdiction to affirm or modify or revoke such orders or make any orders in substitution thereof. (Emphasis added)

The facilities authorized for municipal review are: “steam plant, gas plant, gas tank or holder, water tank, electric substation, antenna, tower or earth station receiver.” Conn. Gen. Stat. §16-235. This statutory section must be read in conjunction with the Siting Council’s authority cited in Section II.A.3 above. See Conn. Gen. Stat. §§ 16-50g et seq. Jurisdiction for some of the facilities listed in § 16-235 was transferred from the Department to the Connecticut Siting Council. Conn. Gen. Stat. § 16-50i. The PUESA (see Section II.C above) describes which facilities were transferred to the jurisdiction of the Siting Council. They include, for example, electric substations designed to change or regulate the voltage of electricity at 69 kilovolts or more. Conn. Gen. Stat. § 16-50i(a)(4). Substations for voltages below 69 kilovolts remain under the jurisdiction of the Department, with initial local review under Conn. Gen. Stat. § 16-235.

Conn. Gen. Stat. § 16-235 provides that local orders concerning the facilities subject to Department’s siting jurisdiction may be affirmed, modified or revoked by the Department upon request. The Department is authorized to make a de novo review of the local decision at the request of an aggrieved party. The use of the word “rehearing” in § 16-235 in connection with an appeal to the Department requires a hearing of “all parties in interest.” Jennings v. Connecticut Light & Power Co., (Jennings) 140 Conn. 650, 674 (1954). “The public utilities commission is required to hold a hearing after due notice to all parties in interest.” Id., at 674. The hearing before the Department is not confined to the record of the local proceeding. The Department must provide fair notice to all parties, the taking of evidence, and reasonable cross examination of witnesses. Id., at 674, 675.

Municipal review of utility facilities allowed under Conn. Gen. Stat. § 16-235 is not as broad as the review provided for under the state's zoning act (Conn. Gen. Stat. §§ 8-1, et seq.) and other local police powers. Local commissions are required to act as special agencies of the state for the purpose of reviewing the location of such facilities. Jennings, at 660. In interpreting this statute, the Connecticut Supreme Court stated that the control of the facilities of public service companies is a matter of more than local concern. Id., at 669. These facilities serve an area larger than the municipality where they are located. Under Conn. Gen. Stat. § 16-235 reviews, municipalities must weigh the considerations of public convenience and necessity for regional utilities with the local considerations of health, safety and welfare related to public zoning. Id., at 670. Connecticut's Supreme Court, in ending a municipality's attempt to regulate a microwave communication tower for a gas transmission system, cited to the Jennings case in the following manner:

The Jennings case held that § 16-235 expressed a legislative intent (1) that local zoning authorities act as special agencies of the state only to determine the location of specifically named public service company facilities [named facilities]; . . . and (2) that the public utilities commission exercise exclusive authority over the location of all other structures or equipment of public service companies.

Algonquin Gas Transmission Co. v. Zoning Board of Appeals, 162 Conn. 50, 52 (1971).

Under the holdings of Jennings and Algonquin Gas the Department has the authority, either original or by rehearing, over the siting of public service company structures and equipment on private property, except for those facilities regulated by the Siting Council under the PUESA. Conn. Gen. Stat. §§ 16-50g et seq. The PUESA was passed after the Jennings decision, explaining the broad language found in the Jennings decision. The PUESA transferred regulation of the specified facilities from the Department to the Connecticut Siting Council (CSC), with the continued participation of local governments.

The legislature mandated Department control over electric transmission lines in the following statute:

**Sec. 16-243. Jurisdiction of department over electricity transmission lines.** The department of public utility control shall have exclusive jurisdiction and direction over the method of construction or reconstruction in whole or in part of each system used for the transmission of electricity, with the kind, quality and finish of all materials, wires, poles, conductors and fixtures to be used in the construction and operation thereof, and the method of their use, including all plants and apparatus used for generating electricity located upon private property upon which there are conductors capable of transmitting electricity to other premises in such manner as to endanger any person or property. The department may make any order necessary to the exercise of such power and direction, which order shall be in writing and entered in the records of the

department. Each person or corporation operating any such system or generating plant shall, at its expense, comply with such order. Any person violating any provision of any such order shall be subject to the penalty prescribed in section 16-41. (Emphasis added)

This statutory section must also be read with consideration of the PUESA, which transferred authority over electric transmission lines of 69 kv and above to the Siting Council. Conn. Gen. Stat. § 16-50g et seq.

There was evidence of some confusion among participants as to whether or not public utility offices or garage buildings are exempt from local zoning regulations. UI opined: "Because UI's office buildings, storage facilities and customer service facilities are portions of its 'plant,' all of which is under the jurisdiction of the Department pursuant to CGS Section 16-11, they are exempted from local planning and/or zoning commissions siting and regulation jurisdiction by CGS Section 16-235." UI Brief, pp. 3 and 4. The Department finds this interpretation to be correct. Under Conn. Gen. Stat. § 16-235, local governments were granted the authority to review the siting on private property of the utility facilities enumerated in that section. Jennings, at 670. Other utility facilities located on private land could not be regulated by local land-use authorities. Connecticut Light & Power Co. v. Costello, 161 Conn. 430, 444 (1971). Utility facilities to be constructed on private property that are not in the enumerated list of § 16-235 are exempt from the local siting process, Jennings, at 670, except for any local review granted in conjunction with the Siting Council's jurisdiction. Conn. Gen. Stat. §§ 16-50g et seq. Also see DPUC Decision in Docket No. 88-07-15, Petition of Town of Enfield for a Declaratory Ruling Regarding a Remote Telemetering Facility of Northeast Utilities, Nov. 9, 1988; and DPUC Decision in Docket No. 81-09-03, Franklin Planning and Zoning Commission v. Algonquin Gas Transmission Company, March 30, 1982. This is congruent with the prohibition on local agencies from regulating electric distribution equipment on private land. Conn. Gen. Stat. §§ 16-235, 16-243; Connecticut Light & Power Co. v. Costello, 161 Conn. 430, 444 (1971). Conn. Gen. Stat. § 16-235 actually allows local review of some of the "more objectionable" utility facilities. This list of utility company facilities that may be reviewed by local government does not include utility office buildings, storage facilities or customer service centers.

Some utility participants testified that they regularly obtain zoning approvals for office and garage facilities. Tr. 1/30/96, p. 44; Tr. 2/5/96, p. 244. This allows the public utility to have a pre-approved commercial facility in the event it wishes to sell the property. With increasing competition, the facilities needed to provide utility services may change more frequently in the future. As stated in several of the briefs, seeking local government review establishes better relations with a town. The Department recommends that utilities continue to exercise such management discretion. Since the Department is granted broad powers to regulate utility plant, local governments and neighbors could petition the Department to review the siting of such facilities when utilities do not file a local application. The Department has the authority to issue orders concerning office, garage and other public utility facilities. Conn. Gen. Stat. §§ 16-235,

16-11. The Department will order that, at a minimum, the utilities under its jurisdiction confer with local authorities prior to the siting of such facilities.

#### **E. INLAND WETLANDS AND WATERCOURSES REGULATION**

The regulation of activities involving inland wetlands and watercourses provides a unique set of challenges due to their environmentally sensitive nature and their unique array of legislative and regulatory concerns. Ongoing questions of regulatory jurisdiction from local inland wetland authorities to this Department were the genesis of this investigation.

CL&P states that local inland wetlands agencies can only regulate the utility facilities enumerated in Conn. Gen. Stat. § 16-235. "Specifically, local wetlands agencies have no authority to regulate utility activities in wetlands involving any facilities not specifically enumerated." CL&P Brief, pp. 2 and 9. Other utility companies agreed with this conclusion. Combined Water Utilities Brief, pp. 4-6; CNG Brief, p. 6; SCG Brief, p. 7; Yankee Gas Brief, p. 4; UI Brief, p. 4. This view is consistent with the application of the statute to other local commission authority. For only those particular facilities enumerated in Conn. Gen. Stat. § 16-235, local wetlands agencies can provide a permitting process.

DEP states that The Inland Wetlands and Watercourses Act (IWWA) applies to "regulated activities" to protect these sensitive areas. DEP Brief, p. 1; Conn. Gen. Stat. §§ 22a-36, et seq. Under the IWWA, "'Regulated activity' means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the activities specified in section 22a-40." Conn. Gen. Stat., § 22a-38(13). To administer the regulation of inland wetlands across the state, local commissions were empowered by the legislature. Conn. Gen. Stat. § 16-22a-42(c). "To carry out and effectuate the purposes and policies of sections 22a-36 to 22a-45, inclusive, it is hereby declared to be the public policy of the state to require municipal regulation of activities affecting the wetlands and watercourses within the territorial limits of the various municipalities or districts." Conn. Gen. Stat. § 22a-42(a). The existence of many different towns regulating inland wetlands and watercourses can lead to uncertainties and variations of such regulation.

The installation of water mains and other utility facilities in inland wetlands and watercourses would be "regulated activities" absent exclusion. However, the legislature established that only certain public utilities facilities shall be subject to review by local zoning commissions and inland wetlands agencies. Conn. Gen. Stat. § 16-235; Jennings, p. 443. The Supreme Court held that local authority over any public service company facilities is limited to the facilities listed in Conn. Gen. Stat. § 16-235 (i.e., steam plant, gas plant, gas tank, water tank, etc.). Jennings, p. 443. The Supreme Court later held that the ruling in Jennings extends to all public service plant. Algonquin Gas Transmission Co. v. Zoning Bd. of Appeals, 162 Conn. 50 (1971). The Department has general jurisdiction over all public service company plant under Conn. Gen. Stat. § 16-11, and local authority is limited to the enumerated exceptions in Conn.

Gen. Stat. § 16-235, subject to the right of appeal to the Department, and to local control of certain utility plant on public land. This system allows the local agencies to review the utility facilities enumerated in Conn. Gen. Stat. § 16-235, while maintaining the Department's jurisdiction over all other utility facilities in inland wetlands and watercourse areas not regulated by the CSC or the local review under Conn. Gen. Stat. § 16-50x(d). A requirement for local inland wetland and watercourses permits for all utility work would place an undue burden on public utilities. Existing facilities already located in regulated wetlands must be maintained. Wetlands and watercourse areas cover a sizable portion of the state, and utility transmission and distribution networks must cross them to provide necessary services. The statutes only require zoning and inland wetlands permit reviews for the utility facilities listed in Conn. Gen. Stat. §§ 16-235 and 16-50x(d). However, it is clear state policy and this Department's strong desire to protect Connecticut's valuable wetlands and watercourses to the maximum extent practicable. Toward that end, the Department, pursuant to its authority under Conn. Gen. Stat. § 16-11, directs public utilities to consult with certain local agencies prior to planned construction activities involving regulated inland wetlands and watercourses (see Orders 1-3 below).

**F. REGULATION BY THE DEPARTMENT OF PUBLIC SAFETY, LOCAL FIRE MARSHALS AND BUILDING OFFICIALS**

The Department of Public Safety (DPS) serves as the lead agency for the development and supervision of the Connecticut State Building Code (Conn. Gen. Stat. §§ 29-292, et seq.) and the Connecticut Fire Safety Code (Conn. Gen. Stat. §§ 29-251, et seq.). The State's Fire Safety Code was begun in 1947, when the legislature ordered its development after the deadly Hartford circus fire in 1944. It is therefore quite recent in the history of the state, but of great importance to the design, maintenance and management of buildings.

Thomas Bazzolo of DPS appeared at the hearing in this docket. Tr. 2/5/96, pp. 494-553. Mr. Bazzolo testified that the buildings and facilities of public service companies are subject to the requirements of the Connecticut Fire Safety Code. "The objective of this code is to provide a reasonable level of safety by reducing the probability of injury and loss of life from the effects of fire and other emergencies." DPS Brief, pp. 1 and 2. The Fire Safety Code sets minimum requirements ". . . for fire safety in new and existing buildings and facilities," and requires ". . . the establishment of a fire zone for the orderly access to said premises of fire and other emergency equipment." Conn. Gen. Stat. § 29-293. The fire marshals apply fire and emergency safety standards to the facilities. Their review of utility facilities also provide opportunities for local fire officials to become familiar with such facilities, in case of facility changes and emergencies.

CL&P accepted that the State Fire Safety Code and the State Building Code are applicable to utility buildings. CL&P Brief, p. 8. Mr. Bazzolo testified that "it's quite clear that the public service companies need to apply for a building permit from the local building official in order to construct a building." Tr. 2/5/96, pp. 510,511. CL&P also reported: "However, these provisions would not apply to 'structures, other than

buildings, of public service companies.” CL&P Brief, p. 8, citing Conn. Gen. Stat. § 29-282. The term “buildings” is not given a particular definition in the State Building Code. Mr. Bazzolo confirmed this finding. Brief, p. 2; Tr. 2/5/96, p. 546. Other than buildings, public utility structures are exempted from regulation of the State Building Code. Conn. Gen. Stat. § 29-282. One section of the State Building Code states, in toto: “This part [State Building Code] shall not apply to structures, other than buildings, of public service companies subject to regulation by the department of public utility control.” *Id.* An example of a utility structure which is not a “building,” is a transmission line tower. But, even a small utility building to service such a line is a “building,” which is regulated by the State Building Code. This interpretation is intended to protect people who enter such buildings, by receiving review under the State Building Code.

The Commissioner of Public Safety is also directed to make and enforce “. . . regulations concerning the safe storage, use, transportation by any mode and transmission by pipeline of flammable or combustible liquids.” Conn. Gen. Stat. § 29-320. This statute provides: “Such regulations shall not apply to electric companies and gas companies, as defined in section 16-1.” *Id.* Mr. Bazzolo therefore stated that fuel tanks installed to service a generator to provide utility service would not need a permit under the flammable liquids act. Tr. 2/5/96, p. 551. But, if the utility company needs a tank not providing direct utility service, such as for a motor vehicle service facility, then a permit from the fire marshall is needed under Conn. Gen. Stat. § 29-320. Tr. 2/5/96, p. 551. It should be noted, however, that the Department has determined that the safety of “NGV’s (Natural Gas Vehicles) and [NGV] fueling systems owned and operated by public utilities . . . are included in the [DPUC’s] safety jurisdiction.” Decision dated March 24, 1993, in Docket No. 92-01-02, DPUC Generic Investigation into the Provision for and Utilization of Natural Gas as a Motor Fuel for Vehicles, p. 26.

The Department has never been approached to override any state building or fire safety code determination, nor does there appear to be any state statutory authority to do so. The Department notes, with the concurrence of all responding participants, that federal statutory authority can preempt state authority. Responses to Interrogatory RE-03. The Department concludes that, to the extent that it has the responsibility to enforce federal authority (for example: federal Gas Pipeline Safety under 49 USC Chapter 601), that authority could override other state authorities.

The Department of Public Safety reports that “. . . public service companies are subject to the inspection requirements and to complying with any orders of abatement of fire hazards as referenced under sections 29-305, 29-306, and 29-308 respectively of the Connecticut General Statutes.” DPS Brief, p. 2. With the above noted exception of federal authorities, the Department concurs with this conclusion.

### **III. ANALYSIS BY UTILITY TYPE**

#### **A. ELECTRIC**

The Department identified eight basic types of electric utility facilities that could require siting in the state. These were generating units, transmission lines, distribution lines, substations, office buildings, equipment maintenance and storage facilities, hazardous waste handling facilities and low-level radioactive waste facilities. A clear consensus concerning the siting jurisdiction of a majority of these facilities was in evidence early in the Department's investigation.

This investigation focused on those few facilities where disagreement existed regarding local versus Department siting jurisdiction and other permitting authority. For the electric utilities these included: 1) electric distribution lines (less than 69 kV); 2) office buildings and customer service facilities; and, 3) equipment service, parking and storage facilities. Not unique to electric utilities, office buildings, storage and service facilities are analyzed under Section II.D above. Distribution lines are discussed in detail under Sections II.A and II.B above.

Both electric utilities testified that they avoid construction activities in wetland areas to the maximum extent possible as a matter of both economics and company policy. Tr. 1/25/96, pp. 29-30. The Department supports this corporate attitude.

The Department concludes that its regulatory responsibilities and the utility siting processes generally could benefit from early input from and consultation with various local authorities. The Department supports the decisions of the electric utilities to voluntarily submit various site review applications to local authorities even where not required by state law. To promote this interaction, the Department orders all utility companies under its jurisdiction to consult with local authorities during the planning stage of new construction projects or major rebuilds (see Orders 1-3 below).

#### **B. TELECOMMUNICATIONS**

SNET maintains extensive distribution facilities over public lands, which requires working closely with local and state officials to construct its facilities on road rights-of-way and other public lands. State statute specifically authorizes that: ". . . each telephone company may construct and maintain telephone lines, upon any highway or across any waters in this state, by the erection and maintenance of the necessary fixtures." Conn. Gen. Stat. § 16-228. Such fixtures, which include poles and equipment, ". . . shall not be so constructed as to incommode public travel or navigation or injure any tree without the consent of the owner, nor shall such company construct any bridge across any waters." *Id.* To monitor utility company work on public roadways the legislature mandates that a public service company must have the permission of the government controlling the road before excavating such roadway. Conn. Gen. Stat. § 16-229. The legislature provided an exemption for utility poles, which do not require roadway excavation permits. Conn. Gen. Stat. § 16-229.

Conn. Gen. Stat. § 16-235 specifies that local and municipal governments have the authority for full direction and control over the placing, erection and maintenance of any wires, conductors, fixtures, structures or apparatuses over public property. SNET reported it undertakes significant efforts to obtain approvals from a number of local and state boards including municipalities, inland wetland agencies and the Department of Environmental Protection. SNET also reported that it was not having major, repeated problems in siting its facilities, although such work is a significant task for a telecommunications system. If the utility companies do have individual problems, local reviews and approvals can be reviewed by the Department. Conn. Gen. Stat. § 16-235.

SNET did not report any substantial problems in obtaining consent of owners of property adjoining public property used for its distribution equipment, pursuant to Conn. Gen. Stat. § 16-234. The focus of that section is on all such equipment of "any company or association engaged in distributing electricity by wires or similar conductors or in using electric wire or conductor for any purpose" which is on or under any "highway or public ground." This statute applies to telephone companies, which use wires and similar conductors.

SNET testified that it attempts to avoid construction in or near inland wetlands. SNET Brief, p. 3. The Department concludes that this makes not only good public relations sense, but environmental and economic sense as well. The Department encourages SNET to continue with this policy.

SNET seeks approval from the CSC regarding the siting of certain public service company facilities and plant in Connecticut. SNET indicates that it will continue to seek CSC approvals for facilities within CSC jurisdiction, such as transmission towers, after notice to the municipalities. SNET Letter, 12/6/95. SNET indicates that in some instances it obtains variances from local Zoning Boards of Appeal. SNET Comment, p. 2. This is not required, unless it is for any of the facilities listed in Conn. Gen. Stat. § 16-235. However, the Department concludes that its regulatory responsibilities and the utility siting processes generally could benefit from early input from and consultation with various local authorities. To promote this interaction, the Department orders all utility companies under its jurisdiction to consult with local authorities during the planning stage of new construction projects or major rebuilds (see Orders 1-3 below).

### **C. GAS**

The three gas companies and the CSC agree that siting of a gas transmission line that has a design capacity (equivalent to the maximum allowable operating pressure) greater than or equal to 200 psig (pounds per square inch gauge) is under the jurisdiction of the CSC under Conn. Gen. Stat. §16-50G.

Other gas company facilities include distribution piping, service piping, city gate stations, regulator stations, meter sets and vehicular natural gas refueling stations. These facilities are not within the siting jurisdiction of local authorities. The initial siting

jurisdiction for these facilities rests with the utility. The Department may review any such facility siting and exercise its jurisdiction.

The gas facilities that fall under the control of local authorities are those specifically enumerated under Conn. Gen. Stat. §16-235, a "gas plant, gas tank or holder." Although Southern Connecticut Gas (SCG) has, in deference to municipalities, applied for local approval for city gas stations, it is the position of the Department that gas plant means a plant used for the manufacturing of gas (i.e., a facility that takes raw materials and through chemical processes converts them to a combustible gas that is distributed to customers). In evaluating this definition, it is important to note that at the time the statute was written, manufactured gas plants were common and could be considered to have significant impacts on neighboring locations. A city gate station does not fit this definition and is therefore not under the jurisdiction of local authorities. To clarify the issue further, the Department declares a "gas tank or holder" to be a tank or holder that stores natural gas or substitutes for natural gas in a gaseous state for later distribution to customers.

The Department concludes that many gas utility construction projects could affect wetlands and watercourses in Connecticut and should be conducted to minimize the impact on valuable natural resources. The Department orders all utility companies under its jurisdiction to consult with local authorities during the planning stage of new construction projects or major rebuilds (see Orders 1-3 below).

#### **D. WATER**

The Conservation Commission of the Town of Fairfield, which is the Town's wetlands agency, stated that it is empowered to impose its inland wetlands and water courses regulations on public utility projects. Fairfield Comments, p. 2. Fairfield indicated that the statutes are unclear on which state agency regulates the activities of water utilities within inland wetland areas. *Id.* Fairfield was prompted to seek advice in this matter from DEP and the Department when BHC was installing a 16-inch water main in a Fairfield stream and the installation extended into an inland wetland area. BHC did not have an inland wetland permit and did not believe a permit was needed to perform the necessary construction work. This situation was resolved when both parties agreed to a design that minimized the amount of disturbance to the wetlands, the adoption of effective wetlands restoration measures, and the implementation of soil erosion and sediment controls to stabilize the site during construction. Even though this conflict was resolved, Fairfield requested again on January 11, 1996, that the Department determine the specific statutory authority under which each state regulatory agency exerts its jurisdiction and determines the required permit to perform water utility work in inland wetlands. Fairfield Letter, 1/11/96, p. 1.

BHC, Stamford Water Company (SWC), and The Connecticut Water Company (CWC, collectively, the Water Companies) submitted joint comments that focused primarily on the issues concerning the jurisdiction of state and local authorities over siting of water company facilities within certain locations. The Department and participants in this investigation identified eight basic types of water company facilities

that require siting within Connecticut. These facilities are water storage tanks, transmission and distribution water mains, wells, reservoirs, water treatment facilities, pumping and pressure reducing stations, and office or service buildings.

The Water Companies testified that local agencies have no jurisdiction over any water facility except that specified in Conn. Gen. Stat. § 16-235, and, therefore, they are exempt from local control applied to any additional equipment or structure used by a water company to carry out its duties as a public service company. Water Companies Brief, p. 6. The Water Companies testified that they have voluntarily submitted permit applications to towns for office buildings, storage buildings, and other structures. *Id.*, p. 14.

The Water Companies identified the siting of a water storage tank under Conn. Gen. Stat. § 16-235 as the only water plant that needs local zoning approval. The Companies indicated that they have the right to appeal to the Department if a permit is denied by the local zoning authorities and the Department has the right to affirm, modify, revoke, or make substitution to the orders issued by the zoning authorities. Water Companies Brief, p. 5.

The Water Companies indicated that because certain water facilities such as water mains are linear in nature, the installation of a single water main could run across several towns. If local reviews were needed, a water company would have to apply to several towns for permits. The Water Companies believe that Conn. Gen. Stat. § 16-235 was created to avoid this type of situation because approval by local authorities could impede the adequate supply of utility services and harm the public interest. Water Companies Brief, p. 13. In addition, it is the position of the Water Companies that obtaining permits from multiple towns would be very expensive. Tr. 2/5/96, p. 461.

The Department has reviewed the positions submitted by the parties and concludes that any utility construction that involves inland wetlands and watercourses in Connecticut should be conducted to minimize the impact on these valuable natural resources. The Department orders all utility companies under its jurisdiction to consult with local authorities during the planning stage of new construction projects or major rebuilds (see Orders 1-3 below). The Water Companies indicated that they are willing to work cooperatively with state and local authorities to ensure that best management practices are used to address local concerns. Water Companies Comments, p. 10.

#### **E. CABLE TELEVISION**

The Department received no filings or written appearances from any of the cable franchisees (Operators) or the New England Cable Television Association (NECTA) in the course of its investigation. The Department issued notices of technical sessions and hearings, requests for comments and interrogatories to the cable utilities operating in the state, to which no responses were filed. The Operators and NECTA were on the service list and were given the opportunity to review the filings of other public utilities, some of whose comments would apply to the cable utilities. The lack of participation on the part of the cable utility industry in this investigation was disappointing.

Jurisdiction for the siting of towers and head-end plant facilities, including associated equipment, rests with the CSC under Conn. Gen. Stat. § 16-50i. Cable head-end equipment generally includes an antenna tower with over-the-air receiving and transmitting antennae, a satellite receiving antenna and a utility building to house receivers and transmitters and related electronic equipment for processing the cable signal to the subscriber network.

Much of a cable television distribution system, except drop lines to individual customers, is located on public lands. Most of the distribution lines are located along roadways. The cable utilities are required to seek state or local permits when installing distribution facilities in highways. Conn. Gen. Stat. § 16-229. This process allows the municipalities and the state to supervise and coordinate the use of the highways. Supervising excavations in the road right of ways also allows the state and municipalities to monitor safety requirements and the protection of other property.

Cable transmitting facilities are located on both electric and telephone poles, with these other utilities acting as host. The installation of cable facilities underground may be in the same trench or in a different area than other utilities. For both overhead and underground installations, cable companies are required to obtain the consent of adjoining property owners to install their cables on public land. Conn. Gen. Stat. § 16-234. Cable companies may not be obtaining such permission on a regular basis. With the installation of cable or other equipment on existing poles, adjoining property owners may not see a significant impact. The placement of new poles or occasional major trenching could harm trees where an adjoining owner may not want to provide consent. For the relatively few instances where an adjoining property owner denies permission, the utility may seek review by the Department. Conn. Gen. Stat. § 16-234.

The Department concludes that the construction of overhead and underground cable facilities could affect wetlands and watercourses in Connecticut and should be conducted to minimize the impact on valuable natural resources to the maximum practicable extent. The Department will order all utility companies under its jurisdiction to consult with local authorities during the planning stage of new construction projects or major rebuilds (see Orders 1-3 below).

#### **IV. GENERAL ANALYSIS**

##### **A. BEST MANAGEMENT PRACTICES**

In the course of its investigation, the Department took comments from Inland Wetland Commission representatives regarding their primary responsibilities and the issues they feel are missed in the absence of a permit application within their jurisdictions. The record indicates that the method and manner of construction and site restoration of approved activities within sensitive wetland areas is their key concern. Canton Letter 6/9/95, pp. 1-2; Fairfield Comments, pp. 1-2. Taken as a group, these and related activities were termed Best Management Practices by the utility companies.

Local authorities, including Inland Wetland Commissions, use one primary document as the reference guideline to regulate construction activities within their jurisdictions: the Connecticut Council on Soil and Water Conservation's Connecticut Guidelines for Soil Erosion and Sediment Control, dated January 1985, as adopted by the State of Connecticut under the signatures of the then Governor and Commissioner of DEP (Guidelines). Tr. 2/5/96, pp. 381-385.

A number of the utilities provided their Best Management Practices documentation in this investigation: SCG (Late Filed Exhibit No. 2); SNET (Late Filed Exhibit No. 3); CL&P (Late Filed Exhibit No. 4); BHC (Late Filed Exhibit No. 5); and CWC (Late Filed Exhibit No. 6). The Department's review of these documents revealed a range of detail from rudimentary to comprehensive, some incorporating the Guidelines. The Department concludes that each utility operating within the state should have consistent and comprehensive written Best Management Practices regarding facility construction and restoration activities for itself and its subcontractors. The Department further concludes that the Guidelines should be the foundation and minimum requirement of any such documentation. The Department will direct each utility under its jurisdiction to adopt the Guidelines or clearly demonstrate why their adoption, in whole or in part, is inappropriate or precluded. Any such demonstration of inappropriate or precluded Guidelines shall include appropriate alternative practices.

CL&P recommended that the Department limit the application of best management practices to "activities in wetlands" and for activities "other than maintenance and other routine activities." CL&P Exceptions, pp. 9-10. The Department does not agree and recognizes a need for appropriate environmental protections for all utility activities and concludes that these proposals would eliminate key considerations recognized in the guidelines (steep slope erosion for example).

## **B. EMERGENCIES**

In the course of the Department's investigation utilities expressed concern regarding their ability to respond rapidly to emergency situations without being in violation of various permitting requirements. Tr. 2/14/96, pp. 625-626. The state's public service companies have filed biennial emergency action plans with the Department since 1990, pursuant to Conn. Gen. Stat. § 16-32e. Under legislation passed this year (Public Act 96-46), these emergency plans will be filed at five year intervals and will include telecommunications companies.

Conn. Gen. Stat. § 16-32e defines emergency as any (1) hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought or fire explosion or (2) attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, shellfire or atomic, radiological, chemical, bacteriological or biological means or other weapons or processes. This statute also requires that each public service company and each municipal utility furnishing electric, gas or water service shall file with this Department, the Office of Emergency

Management and each municipality within the service area an updated plan for restoring service which is interrupted as a result of an emergency. This statute further provides for the plans to be revised to the extent necessary to provide properly for the public convenience, necessity and welfare.

The Department concludes that these emergency response plans and the actions contemplated therein, constitute one set of actions duly authorized under this Department's authority, which preclude the necessity for conventional planning review and permitting activity under emergency conditions. The Department further finds that the consent for tree removal and trimming discussed in Section II.A.2.b. above for example, is limited to non-emergency planning and maintenance conditions. The legislature provided: "The [D]epartment may order such reasonable improvements, repairs or alterations in such plant or equipment, or such changes in the manner of operation, as may be reasonably necessary in the public interest." Conn. Gen. Stat. § 16-11. This authorization is meant to be broad and allows the Department to permit utility companies to make necessary excavations and/or tree cuttings during emergencies without obtaining the permission of municipal authorities or adjoining property owners necessary under normal conditions. Every reasonable precaution must be made to safeguard the public against live wires, gas leaks or water main breaks resulting from either severe storms, accidents or equipment failure. The Department expects cooperation with local officials within the context of executing these types of emergency actions, to the maximum extent practicable.

### **C. MAINTENANCE**

The Department finds that the environmental laws make little or no distinction between new so called "green field" utility construction activities and the maintenance or upgrading activities on existing facilities. As examples, setting a new utility pole vs. replacing a pole or digging to establish a new water or gas line vs. replacing old lines is viewed by wetlands regulations (among others) as comparable activity. Dennis Cunningham of the DEP acknowledged a distinct difference between green field construction environmental impacts and those associated with existing facilities and developed rights-of-way. Tr. 2/5/96, p. 374. This Department makes a distinction between these activities and emergency response situations, as discussed in Section IV.B above.

The Department also recognizes a clear distinction between the planning process involved in bringing new utility facilities on line and activities maintaining or supporting existing facilities required to provide reliable utility service. By far the most universal written exception to the draft Decision issued October 4, 1996, were requests for clarification regarding new ("green field") utility construction vs. maintenance or upgrading activities on existing facilities and the Department's requirements for notification and consultation with local officials under Draft Order 1. Water Companies Exceptions, p. 2; SCG Exceptions, pp. 4-5; CL&P Exceptions, pp. 5, 11-12; SNET Exceptions, p.1. Toward that end, the Department has divided Draft Order 1 into three separate orders, emphasizing the distinction between "significant" maintenance activities or alterations (including some upgrades) involving substantial disturbance of

soil, water or vegetation (see Order 2 below) including such activities as digging up miles of water or gas pipe or replacing miles of utility poles and "routine" maintenance or alterations (including some upgrades) involving minor or no disturbance of soil, water or vegetation (see Order 3 below) including such activities as maintaining access roads, replacing a pole or stringing new wires on existing poles or in existing conduit systems. There is need to facilitate ongoing maintenance or minor upgrade activities on existing facilities while protecting the environment.

The Department concludes that a detailed collaborative process involving a utility and municipal authorities might be too cumbersome, time consuming and excessive for routine maintenance or minor upgrades of existing utility facilities where environmental disturbance has already occurred, impacts would be minimal, and location is not an issue. However, clear and enforceable environmental standards are required. To these ends, the Department concludes that adopting and following the Guidelines or Department approved alternative Best Management Practice procedures for such activities (see Section IV.A, above) would be sufficient to protect the environment. Further, local authorities would have the right to petition this Department if they felt a utility or its contractor was not performing up to these standards. This petition process is consistent with the existing oversight and appeal processes at the local and state levels for wetland regulation, as discussed by Mr. Cunningham of DEP. Tr. 2/5/96, pp. 380-381. The Department concludes that, if required, the application for an excavation permit as discussed in Section II.A, above, constitutes sufficient notification and collaboration for ongoing maintenance and minor upgrading purposes, as required by Order 3 below.

## **V. CONCLUSIONS AND ORDERS**

### **A. CONCLUSIONS**

It is the Department's determination, as detailed in part II.D of this Decision, that both the law and court determinations place primary jurisdiction over all "utility plant" on private property not specifically preempted by federal jurisdiction or explicitly assigned to the Connecticut Siting Council under Conn. Gen. Stat. §§ 16-50g et seq. or local jurisdiction under Conn. Gen. Stat. § 16-50x, with this Department. Conn. Gen. Stat. § 16-11.

The Department concludes, however, that the representatives of the Fairfield Inland Wetlands Commission, the DEP and others have raised valid concerns in this proceeding regarding the environmental sensitivity of certain utility siting and construction activities across the state. Such concerns take on added meaning when considered in conjunction with the limited environmental expertise and staffing at this Department to review such plans comprehensively. Absent such case by case review, the utilities are effectively self-regulated. This conclusion is especially clear with regard to planned activities within or potentially affecting the state's valuable wetlands and waterways.

The Department acknowledges that many utilities reported that they already consult with local authorities as a matter of corporate policy and that this has resulted in very few cases of delay or unresolved conflict. Tr. 2/5/96, pp. 51-52, 82-83. In those few cases where such ordered consultation generates either unacceptable delay or unresolved differences, the Department directs attention to its authority to adjudicate resolution in the context of public need for utility services.

## **B. ORDERS**

1. Each public service company planning to construct new facilities involving the disturbance of soil, water or vegetation, which, but for the "exclusive" Department jurisdictional considerations enumerated above would fall under the review and approval requirements of certain local authority (example: Planning and Zoning Authority; Inland Wetlands Commission; Public Works Department or Historic District Commission), shall, at the least, notify and consult with such local authority, or its designated agent or staff, toward the development of mutually agreeable schedules and procedures for the proposed activity. These consultations shall not be construed as placing the utility under the regulatory authority of the municipality. Nor should this order be construed in such a manner that the Department has delegated any of its statutory authority. Further, this order shall neither a) preclude utilities from making full applications to local authority when and where the utility deems such action appropriate, nor b) be required in addition to a full application to the local authority. Irreconcilable differences regarding proposed actions under this order may be brought by either the utility or municipal authority(ies) to the Department for resolution.
2. Each public service company planning to conduct significant maintenance activities or alterations to existing facilities (including upgrades) involving substantial disturbance of soil, water or vegetation, as discussed in Section IV.C, above, which, but for the "exclusive" Department jurisdictional considerations enumerated above would fall under the review and approval requirements of certain local authority (example: Planning and Zoning Authority; Inland Wetlands Commission; Public Works Department or Historic District Commission), shall, at the least, notify and consult with such local authority, or its designated agent or staff, toward the development of mutually agreeable schedules and procedures for the proposed activity. These consultations shall not be construed as placing the utility under the regulatory authority of the municipality. Nor should this order be construed in such a manner that the Department has delegated any of its statutory authority. Further, this order shall neither a) preclude utilities from making full applications to local authority when and where the utility deems such action appropriate, nor b) be required in addition to a full application to the local authority. Irreconcilable differences regarding proposed actions under this order may be brought by either the utility or municipal authority(ies) to the Department for resolution.
3. Each public service company conducting routine maintenance activities or alterations to existing facilities (including upgrades) involving minor disturbance of soil, water or vegetation, as discussed in Section IV.C, above, which, but for the

“exclusive” Department jurisdictional considerations enumerated above would fall under the review and approval requirements of some local authority (example: Planning and Zoning Authority; Inland Wetlands Commission; Public Works Department or Historic District Commission), shall, however, make local authorities or their designated agent or staff aware of such ongoing activities. The fulfillment of this order may be accomplished through the acquisition of an excavation permit or similar routine contact with local authority. These interactions shall not be construed as placing the utility under the regulatory authority of the municipality. Nor should this order be construed in such a manner that the Department has delegated any of its statutory authority. Further, this order shall neither a) preclude utilities from making full applications to local authority when and where the utility deems such action appropriate, nor b) be required in addition to a full application to the local authority. Irreconcilable differences regarding proposed actions under this order may be brought by either the utility or municipal authority(ies) to the Department for resolution. Routine maintenance activities or alterations to existing facilities (including upgrades) not involving the disturbance of soil, water or vegetation, as discussed in Section IV.C, above, need do nothing in the way of notification or interaction with local authorities beyond that required under other legislative/statutory authority (example: traffic control at work sites).

4. No later than February 1, 1997, each public service company that has not already adopted the CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL, dated January, 1985 (as discussed in Section IV.A of this Decision), shall review this document and provide the Department with either: 1) written notice of its adoption of these guidelines; or 2) a detailed explanation as to why their adoption is, in whole or in part, inappropriate or precluded. Any such demonstration of inappropriate or precluded Guidelines shall include appropriate alternative practices.

**DOCKET NO. 95-08-34 DPUC INVESTIGATION OF THE PROCESS OF AND JURISDICTION OVER SITING CERTAIN UTILITY COMPANY FACILITIES AND PLANT IN CONNECTICUT**

This Decision is adopted by the following Commissioners:

Janet Polinsky

Reginald J. Smith

Jack R. Goldberg

CERTIFICATE OF SERVICE

The foregoing is a true and correct copy of the Decision issued by the Department of Public Utility Control, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.

  
\_\_\_\_\_  
Robert J. Murphy  
Executive Secretary  
Department of Public Utility Control

  
\_\_\_\_\_  
Date

## Attachment C

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### Threatened and Endangered Species Form / NDDB Determination



# ATTACHMENT C: THREATENED AND ENDANGERED SPECIES

Information about compliance with the requirements of Section 3(b)(2) of this general permit, regarding threatened and endangered species, is in Appendix A of the general permit. Choose one or more (if applicable) of the following in order to be eligible to register for this General Permit. A registrant who does not or cannot do so is not eligible to register under this General Permit.

- Self Assessment using the NDDDB maps – Select this only if:
- a. The site of the construction activity is not entirely, partially or within a ¼ mile of a shaded area depicted on the Department’s Natural Diversity Database maps and this determination was made not more than six months before the date of submitting this registration;
- AND
- b. The entity registering for this General Permit has no reasonably available verifiable scientific, or other credible information that the construction activity could reasonably be expected to have an adverse impact upon a federal or state species listed as threatened or endangered.

Attach a copy of the NDDDB map used to conduct the self assessment used to register for this general permit.

Note: Both a and b as used in this section, must be true in order for a Registrant to register for this General Permit using the self-assessment option. If neither is true, a Registrant cannot use the self-assessment option to comply with Section 3(b)(2) and Appendix A of the General Permit.

- Limited One-Year Determination – Select this only if:
- a. The entity registering for this General Permit has obtained a limited one-year determination from the Department’s Wildlife Division regarding threatened and endangered species: i) within a year of the date of submitting this registration; or ii) more than 1 year before submitting this registration, but such determination has been extended by the Department within one year of the date of submitting this registration;
- AND
- b. The Registrant has provided to the Department’s Wildlife Division any reasonably available verifiable scientific, or other credible information that the construction activity could reasonably be expected to have an adverse impact upon a federal or state species listed as threatened or endangered.

Provide the date the limited one-year determination was issued by the Department’s Wildlife Division January 15, 2014 ;

or

Provide the date that the most recent extension to a limited one year determination was issued by the Department’s Wildlife Division \_\_\_\_\_.

Note: Both a and b as used in this section, must be true in order for a Registrant to register for this General Permit using the Limited One-Year Determination option. If a Limited One-Year Determination or extension to any such determination was issued by the Department’s Wildlife Division more than one year before the submission of this registration, a Registrant cannot use any such determination or extension to comply with Section 3(b)(2) and Appendix A of the General Permit.

# ATTACHMENT C: THREATENED AND ENDANGERED SPECIES (continued)

- Select here if the Limited One-Year Determination issued by the Department includes a Mitigation Plan.**

Provide the date the Mitigation Plan was approved: \_\_\_\_\_

Governmental Entity Approving the Plan: \_\_\_\_\_

**As of the date this Registration is submitted,**

Has the Mitigation Plan been fully implemented?  Yes  No

Date commenced: \_\_\_\_\_ Date completed: \_\_\_\_\_

Is the Mitigation Plan partially implemented?  Yes  No

If yes, what actions have been taken? \_\_\_\_\_

And which actions are yet to be implemented and what is the timeframe for completion of such actions: \_\_\_\_\_

Is the Mitigation Plan yet to be implemented?  Yes  No

If yes, specify the timeframe for implementation: \_\_\_\_\_ to \_\_\_\_\_

And summarize actions to be implemented: \_\_\_\_\_

- Safe Harbor Determination - Select this only if:

a. The entity registering for this General Permit has obtained a Safe Harbor Determination from the Department's Wildlife Division regarding threatened and endangered species: i) within 3 years of the date of submitting this registration; or ii) more than 3 years before submitting this registration, but within one-year of a one-year extension issued by the Department's Wildlife Division to a safe harbor determination;

AND

b. The entity registering for this General Permit has provided to the Department's Wildlife Division any reasonably available verifiable scientific, or other credible information that the construction activity could reasonably be expected to have an adverse impact upon a federal or state species listed as threatened or endangered.

Provide the date the Department's Wildlife Division issued a Safe Harbor Determination: \_\_\_\_\_

If applicable, provide the date that any one-year extension to a Safe Harbor Determination was issued by the Department's Wildlife Division: \_\_\_\_\_.

Note: Both a and b as used in this section, must be true in order for a Registrant to register for this General Permit using the Safe Harbor Determination option. If a Safe Harbor Determination was issued by the Department's Wildlife Division more than three years before the submission of this registration, and has not been extended, a Registrant cannot use any such safe harbor to comply with section 3(b)(2) and Appendix A of this General Permit. If a Safe Harbor Determination was granted and extended for one-year, more than four years before the submission of this registration, a Registrant cannot use any such Safe Harbor Determination to comply with Section 3(b)(2) and Appendix A of the general permit.

# ATTACHMENT C: THREATENED AND ENDANGERED SPECIES (continued)

- Select here if the safe harbor noted above includes a Mitigation Plan.**

Provide the date the Mitigation Plan was approved: \_\_\_\_\_

Governmental Entity Approving the Plan: \_\_\_\_\_

**As of the date this Registration is submitted,**

Has the Mitigation Plan been fully implemented?  Yes  No

Date commenced: \_\_\_\_\_ Date completed: \_\_\_\_\_

Is the Mitigation Plan partially implemented?  Yes  No

If yes, what actions have been taken? \_\_\_\_\_

And which actions are yet to be implemented and what is the timeframe for completion of such actions: \_\_\_\_\_

Is the Mitigation Plan yet to be implemented?  Yes  No

If yes, specify the timeframe for implementation: \_\_\_\_\_ to \_\_\_\_\_

And summarize actions to be implemented: \_\_\_\_\_



Connecticut Department of

**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

January 15, 2014

Shawn C. Crosbie  
The United Illuminating Company  
180 Marsh Hill Rd  
Orange, CT 06477  
shawn.crosbie@uinet.com

Project: Installation of a Transmission Tower Within an Existing Right-of-Way at 410 New Haven Ave.,  
Milford  
NDDDB Determination No.: 201400345

Dear Shawn C. Crosbie,

I have reviewed Natural Diversity Data Base maps and files regarding the area delineated on the map provided for the proposed Installation of a Transmission Tower Within an Existing Right-of-Way at 410 New Haven Ave., Milford, Connecticut. I do not anticipate negative impacts to State-listed species (RCSA Sec. 26-306) resulting from your proposed activity at the site. This determination is good for one year. Please re-submit an NDDDB Request for Review if the scope of work changes or if work has not begun on this project by January 15, 2015.

Natural Diversity Data Base information includes all information regarding critical biological resources available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Natural History Survey and cooperating units of DEEP, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the Data Base should not be substitutes for on-site surveys required for environmental assessments. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as, enhance existing data. Such new information is incorporated into the Data Base as it becomes available. The result of this review does not preclude the possibility that listed species may be encountered on site and that additional action may be necessary to remain in compliance with certain state permits.

Please contact me if you have further questions at (860) 424-3592, or [dawn.mckay@ct.gov](mailto:dawn.mckay@ct.gov) . Thank you for consulting the Natural Diversity Data Base.

Sincerely,

Dawn M. McKay  
Environmental Analyst 3



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

Bureau of Natural Resources  
Wildlife Division  
Natural History Survey – Natural Diversity Data Base

January 29, 2014

Mr. Shawn C. Crosbie  
The United Illuminating Company  
180 Marsh Hill Road  
Orange, CT 06477  
Shawn.crosbe@uinet.com

Regarding: FAC008, Milford – installation of 115 kva transmission tower  
Natural Diversity Data Base 201400343

Dear Mr. Crosbie:

In response to your request for a Natural Diversity Data Base (NDDDB) Review of State Listed Species for project FAC008 in Milford, our records indicate the following extant populations of species on or within the vicinity of the site:

**Eastern box turtle** (*Terrapene carolina Carolina*) Protection Status: Species of Special Concern

Eastern box turtles inhabit old fields and deciduous forests, which can include power lines and logged woodlands. They are often found near small streams and ponds. The adults are completely terrestrial but the young may be semiaquatic, and hibernate on land by digging down in the soil from October to April. They have an extremely small home range and can usually be found in the same area year after year. Eastern box turtles have been negatively impacted by the loss of suitable habitat. Some turtles may be killed directly by construction activities, but many more are lost when important habitat areas for shelter, feeding, hibernation, or nesting are destroyed. As remaining habitat is fragmented into smaller pieces, turtle populations can become small and isolated.

**Recommendations:** The following guidelines should be met to protect turtles:

- ✚ Silt fencing should be installed around the work area prior to activity;
- ✚ After silt fencing is installed and prior to work being conducted, a sweep of the work area should be conducted to look for turtles;
- ✚ Workers should be apprised of the possible presence of turtles, and provided a description of the species  
([http://www.ct.gov/dep/cwp/view.asp?a=2723&q=473472&depNav\\_GID=1655](http://www.ct.gov/dep/cwp/view.asp?a=2723&q=473472&depNav_GID=1655) );

- ✚ Any turtles that are discovered should be moved, unharmed, to an area immediately outside of the fenced area, and positioned in the same direction that it was walking;
- ✚ Work conducted during early morning and evening hours should occur with special care not to harm basking or foraging individuals; and
- ✚ All silt fencing should be removed after work is completed and soils are stable so that reptile and amphibian movement between uplands and wetlands is not restricted.

The Natural Diversity Data Base includes all information regarding critical biological resources available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Natural History Survey and cooperating units of DEEP, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the Data Base should not be substituted for on-site surveys required for environmental assessments. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as, enhance existing data. Such new information is incorporated into the Data Base as it becomes available. If the project is not implemented within 12 months, then another Natural Diversity Data Base review should be requested for up-to-date information.

Please be advised that this is a preliminary review and not a final determination. A more detailed review may be conducted as part of any subsequent environmental permit applications submitted to DEEP for the proposed site.

Thank you for consulting the Natural Diversity Data Base. If you have any questions, I can be reached by email at [Elaine.Hinsch@ct.gov](mailto:Elaine.Hinsch@ct.gov).

Sincerely,  
/s/  
Elaine Hinsch  
Program Specialist II  
Wildlife Division



Connecticut Department of

ENERGY &  
ENVIRONMENTAL  
PROTECTION

# Natural Diversity Data Base Areas STRATFORD, CT

December 2013

-  State and Federal Listed Species & Significant Natural Communities
-  Town Boundary

NOTE: This map shows general locations of State and Federal Listed Species and Significant Natural Communities. Information on listed species is collected and compiled by the Natural Diversity Data Base (NDDB) from a number of data sources. Exact locations of species have been buffered to produce the general locations. Exact locations of species and communities occur somewhere in the shaded areas, not necessarily in the center. A new mapping format is being employed that more accurately models important riparian and aquatic areas and eliminates the need for the upstream/downstream searches required in previous versions.

This map is intended for use as a preliminary screening tool for conducting a Natural Diversity Data Base Review Request. To use the map, locate the project boundaries and any additional affected areas. If the project is within a shaded area there may be a potential conflict with a listed species. For more information, complete a Request for Natural Diversity Data Base State Listed Species Review form (DEP-APP-007), and submit it to the NDDB along with the required maps and information. More detailed instructions are provided with the request form on our website.

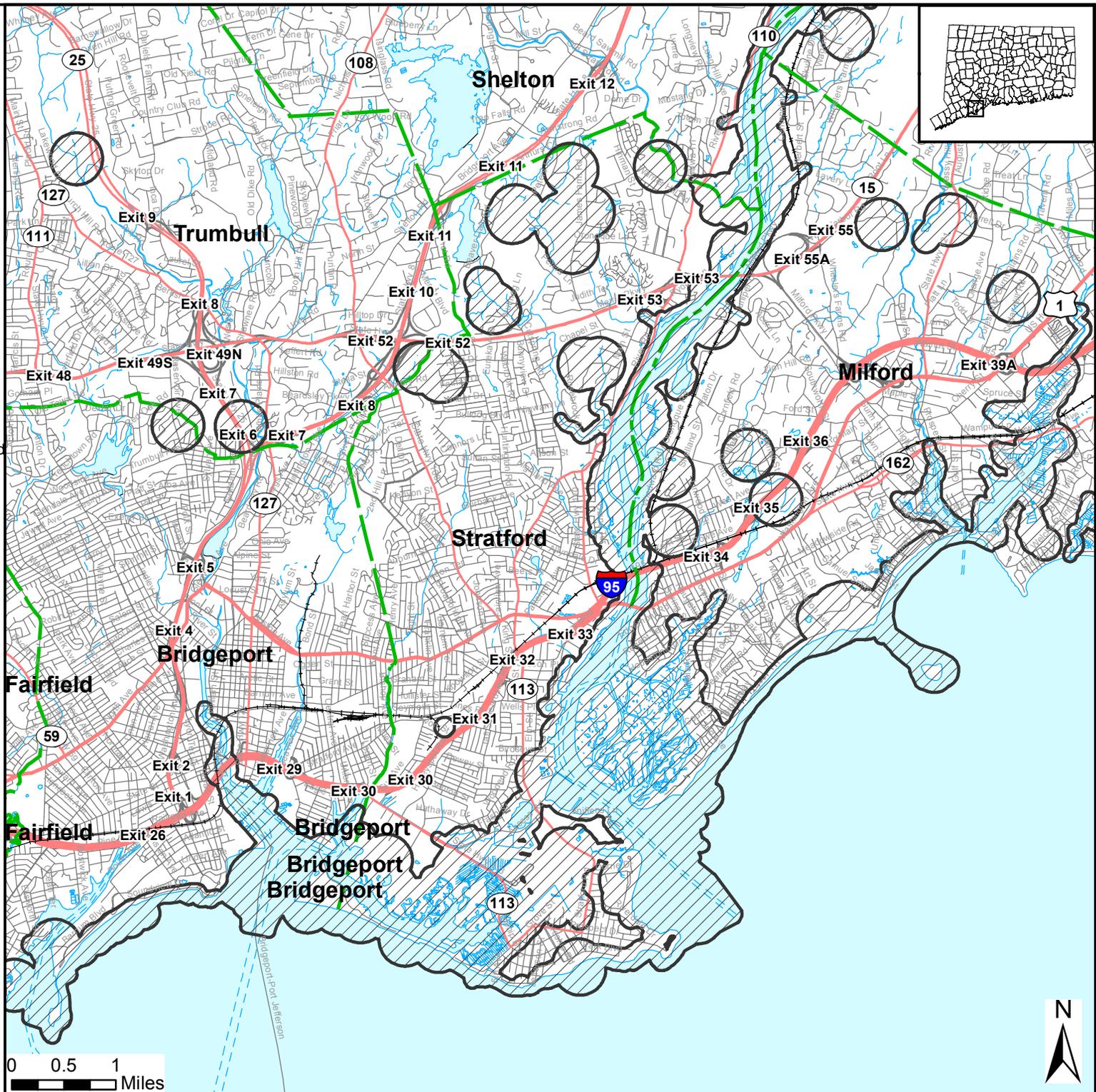
[www.ct.gov/deep/nddbrequest](http://www.ct.gov/deep/nddbrequest)

This file has PDF Layers. Look for the Layers tab on the left. Expand the layers and use the "eye" icons to change visibility.

QUESTIONS: Department of Energy and Environmental Protection (DEEP)  
79 Elm St., Hartford CT 06106  
Phone (860) 424-3011



Connecticut Department of  
Energy & Environmental Protection  
Bureau of Natural Resources  
Wildlife Division



# Natural Diversity Data Base Areas

## MILFORD, CT

December 2013

-  State and Federal Listed Species & Significant Natural Communities
-  Town Boundary

NOTE: This map shows general locations of State and Federal Listed Species and Significant Natural Communities. Information on listed species is collected and compiled by the Natural Diversity Data Base (NDDB) from a number of data sources. Exact locations of species have been buffered to produce the general locations. Exact locations of species and communities occur somewhere in the shaded areas, not necessarily in the center. A new mapping format is being employed that more accurately models important riparian and aquatic areas and eliminates the need for the upstream/downstream searches required in previous versions.

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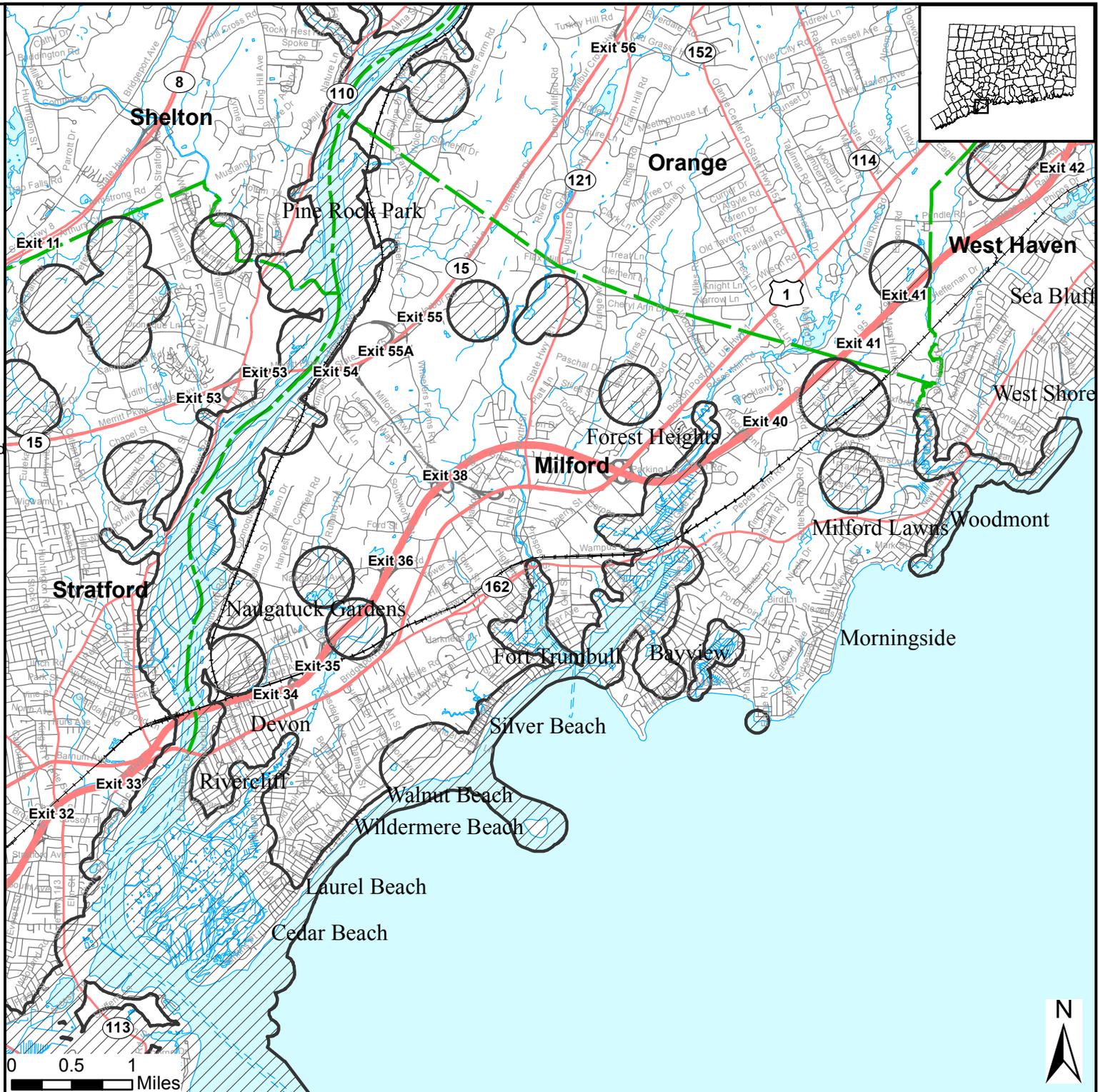
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QUESTIONS: Department of Energy and Environmental Protection (DEEP)  
79 Elm St., Hartford CT 06106  
Phone (860) 424-3011



Connecticut Department of Energy & Environmental Protection  
Bureau of Natural Resources  
Wildlife Division





# Natural Diversity Data Base Areas

WEST HAVEN, CT

December 2013

-  State and Federal Listed Species & Significant Natural Communities
-  Town Boundary

NOTE: This map shows general locations of State and Federal Listed Species and Significant Natural Communities. Information on listed species is collected and compiled by the Natural Diversity Data Base (NDDB) from a number of data sources. Exact locations of species have been buffered to produce the general locations. Exact locations of species and communities occur somewhere in the shaded areas, not necessarily in the center. A new mapping format is being employed that more accurately models important riparian and aquatic areas and eliminates the need for the upstream/downstream searches required in previous versions.

This map is intended for use as a preliminary screening tool for conducting a Natural Diversity Data Base Review Request. To use the map, locate the project boundaries and any additional affected areas. If the project is within a shaded area there may be a potential conflict with a listed species. For more information, complete a Request for Natural Diversity Data Base State Listed Species Review form (DEP-APP-007), and submit it to the NDDB along with the required maps and information. More detailed instructions are provided with the request form on our website.

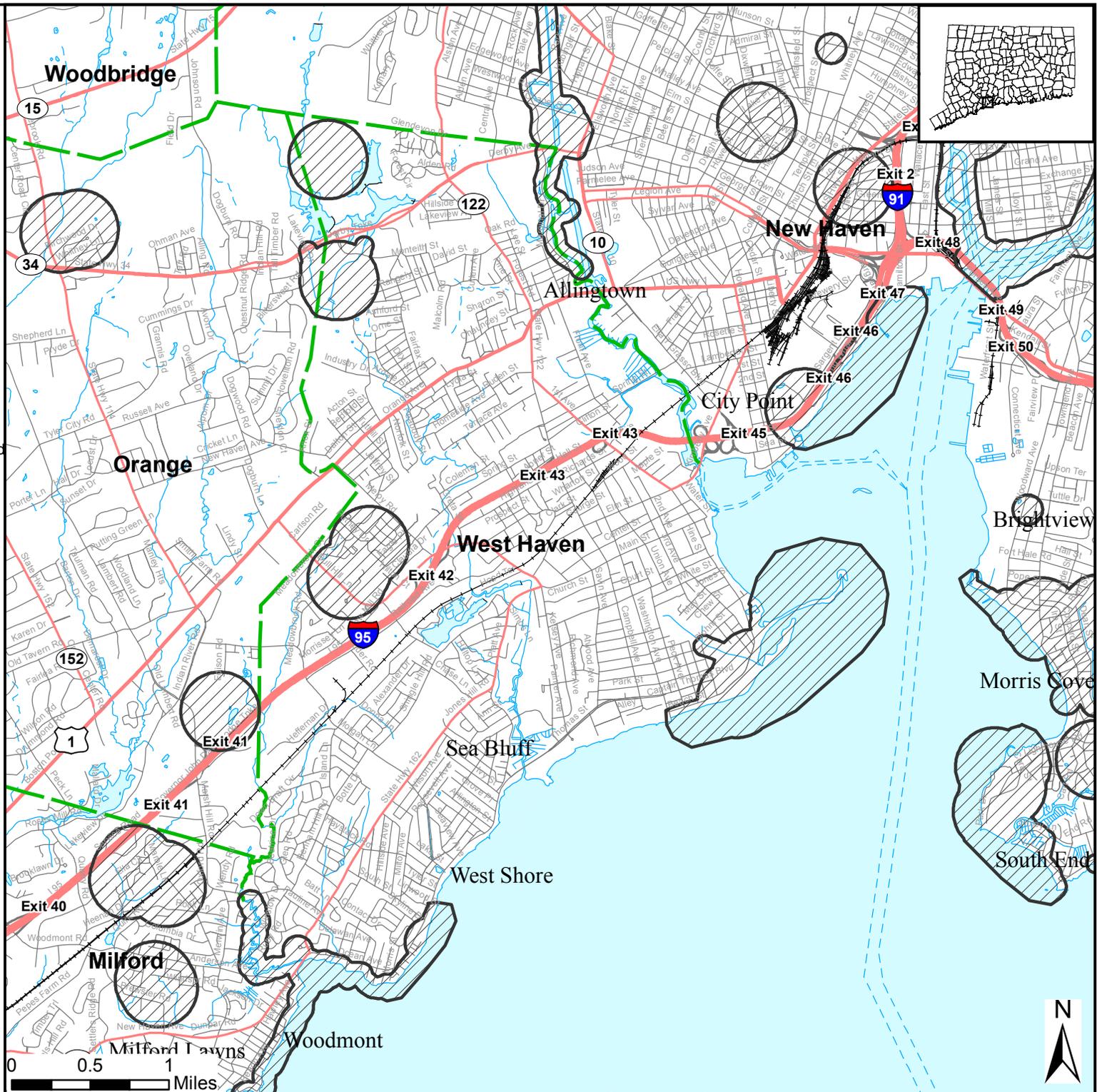
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QUESTIONS: Department of Energy and Environmental Protection (DEEP)  
79 Elm St., Hartford CT 06106  
Phone (860) 424-3011



Connecticut Department of Energy & Environmental Protection  
Bureau of Natural Resources  
Wildlife Division



## Attachment D

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Not Applicable



## **Attachment E**

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Stormwater Pollution Control Plan (as submitted)



# Stormwater Pollution Control Plan

## Milvon-Devon Project

The United Illuminating Company/  
Metro North Linear Rail Project

September 2014



56 Quarry Road  
Trumbull, Connecticut 06611

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**Figures** **End of Report**

- 1 Drainage Basin Map

**Appendices** **End of Report**

- A CT DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities Registration Form and General Permit
- B Identification of Contractor and Certification Statements
- C Construction Drawings
- D Wetland Identification and Delineation Report
- E Construction Sequencing
- F Notice of Termination Form
- G Sedimentation and Erosion Control Inspection Report Form
- H Stormwater Monitoring Report Form (Turbidity Sampling Data)

# 1 Introduction

This Stormwater Pollution Control Plan is required as part of the registration process under the *General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities* (General Permit), dated August 21, 2013.

The Milvon-Devon Project, herein referred to as Milvon-Devon, is considered a construction activity in accordance with the Connecticut Department of Energy and Environmental Protection (CT DEEP) General Permit. The purpose of this plan is to specify parameters to follow to minimize pollution caused by use of the project sites during and after construction is completed. Erosion and sediment control requirements are also shown on the plans. Location map of the project sites along Milvon-Devon can be found in *Attachment A* of the General Permit Registration Form, under *Appendix A* of this plan.

During construction, the contractor(s) shall be responsible for implementing all elements of the erosion and sedimentation control measures as defined on the drawings and in this plan. Major construction activities will be phased to minimize areas of disturbance throughout construction. Erosion and sedimentation controls will be implemented and adjusted as needed throughout construction to minimize soil erosion.

Throughout the construction process, the Permittee or Permittee's agent shall periodically inspect all erosion control measures. A monitoring program will be put in place to observe potential off-site impacts due to erosion. After construction, the Permittee shall be responsible for maintaining these erosion and sedimentation control measures. The Milvon-Devon Project will not be considered complete until all disturbed areas have been satisfactorily stabilized for at least three months, all erosion has been repaired, and all temporary erosion control measures have been removed as called for on the plans.

The general contractor(s) and subcontractor(s) will be required to sign the certification statement located in *Appendix B* of this plan.

# 2 Site Description

The United Illuminating Company (UI) will be conducting construction activities along a section of the Metro-North Railroad Line east of the Housatonic River in Milford, Connecticut. The contiguous section will be considered as a single linear redevelopment project. Milvon-Devon consists of constructing 43 transmission towers and updating 4 transmission towers at several locations along approximately two miles of railroad.

The goal of the overall project is for UI to gain independence of their electrical transmission lines from the Metro-North Railroad overhead catenary system by installing elevated stanchions to carry the electrical transmission lines. The work at Milvon-Devon involves constructing a steel monopole tower at each site for the UI transmission lines that run along the railroad. This work includes installing a new concrete base and monopole for the tower at each site, and relocating the wires from the existing catenary tower structures to the new UI dedicated monopole.

The work will take place on an established railroad bed within the Metro-North Railroad Right-of-Way. Work areas, areas of occupation, and areas of selective and limited clearing are highlighted in the Construction Drawings found in *Appendix C*.

---

## 2.1 Scope of Construction Activities

The proposed construction activities at each work site along Milvon-Devon include the following:

- Establishing erosion and sedimentation controls
- Conducting selective/ limited clearing
- Installing access roads
- Installing tower foundations
- Installing steel pole tower and transferring wires
- Modifying wire connections to existing structures

---

## 2.2 Area of Disturbance

The total disturbed area for the Milvon-Devon project will be approximately 12.29 acres, spread across the 47 work sites which include construction of 43 transmission towers and updating 4 transmission towers.

Two of the work sites contain a construction work pad area to be used for construction of two proposed tower locations. Therefore, disturbances associated with work pad areas for towers 864BSN and 887ANS are covered under disturbances for work pads associated with towers 865N and 887AS, respectively.

---

## 2.3 Stormwater Discharge Information

The Milvon-Devon project sites are all within the railroad right-of-way. A typical average runoff coefficient for the project is  $C=0.40$ , this is consistent for each work site throughout the project.

The majority of stormwater runoff generated at the sites infiltrates directly through the crushed stone of the railroad right-of-way. Surface runoff that does not infiltrate will sheet flow down and along the railroad embankment to abutting properties. The construction proposed will not alter the runoff coefficient of the project sites and will not promote channeled or areas of concentrated runoff. Existing drainage patterns will not change from pre to post construction activities.

Portions of the proposed activity are within the coastal boundaries delineated by CT DEEP. Documentation from the State of Connecticut Department of Public Utility Control showing the determination that the project is exempt from coastal site plan review is included in *Attachment B* of the General Permit Registration Form, under *Appendix A* of this plan.

Portions of the relevant Flood Insurance Rate Maps for the area of work can be found in the *Appendix D* of the *Wetland Identification and Delineation Report* for the Milvon-Devon project, prepared by BL Companies, Inc., included as *Appendix D* of this plan.

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## 2.4 Receiving Waters

The Milvon-Devon project sites are located within the Housatonic Major Basin, as indicated within the *Public Water Supply Sources & Drainage Basins of Connecticut* mapping provided in *Figure 1* of this plan. No directly channeled or concentrated flow is anticipated from the project to the receiving waters.

---

## 2.5 Wetlands on Site

A *Wetland Identification and Delineation Report* for the Milvon-Devon project was prepared by BL Companies, Inc., and is included as *Appendix D* of this plan.

## 3 Construction Sequencing

The Contractor shall be aware that grubbing, stripping, and associated earthwork operations all have significant potential to cause erosion and sedimentation until complete stabilization of the site has occurred.

The project is proposed to be constructed at 47 separate sites along the railroad right-of-way. The project includes construction of 43 transmission towers and updating 4 transmission towers. Work is anticipated to begin April 2015 and conclude May 2016. The contractor shall minimize disturbances as much as possible in coordination with the Metro-North Railroad (Metro-North) and the Connecticut Department of Transportation (CT DOT). The contractor is held to the direction and schedule of CT DOT and Metro-North. Each proposed tower construction site disturbs at a maximum 50,450 square feet (1.16 acres) of impact. Normal working hours for the site will comply with Metro-North working standards.

Pre-Construction activities include obtaining required permits, authorizations, and approvals from State authorities, as well as private entities including the Permittee having jurisdiction over the Project. In addition, notifications to regulatory authorities will be made and copies of such permits, authorizations, approvals, and notifications will be provided to the Engineer.

The general Construction Sequencing for construction activities at each work site is attached as *Appendix E*

## 4 Control Measures

The following paragraphs address the controls and measures to be implemented on the work site both during and after construction to minimize stormwater pollution to the waters of the State of Connecticut. Control measures during construction activities are shown on the Erosion and Sedimentation Control Plan sheets within the Construction Drawings included as *Appendix C*.

## 4.1 Erosion and Sediment Controls

The goal of this plan is to control erosion on the site and to control movement of sediment into adjacent wetlands, watercourses or storm sewer systems. Note that erosion and sediment controls shall conform to the requirements of the *Connecticut Guidelines for Soil Erosion and Sediment Control*, dated May 2002, which will hereafter be referred to as the “Standards”, and the *2004 Connecticut Stormwater Quality Manual*, which will hereafter be referred to as the “Guidelines”. To meet these goals, stabilization, structural and maintenance practices shall be implemented by the Contractor as outlined below.

### 4.1.1 Stabilization Practices and Protection

Both temporary and permanent stabilization practices shall be implemented throughout the project to minimize erosion of soil from the disturbed site. Temporary and permanent stabilization measures are proposed to provide protection against erosion both during and after construction. Existing vegetation shall be preserved to the maximum extent practicable.

The contractor shall maintain silt fence and haybales until seeding/stabilization. When construction activities have permanently ceased or when final grades are reached on any portion of the sites, stabilization and protection practices shall be implemented when directed and permitted by Metro-North scheduling. Areas that will remain disturbed but inactive for at least 30 days shall receive temporary seeding or soil protection in accordance with the Guidelines once directed and permitted by Metro-North scheduling. Areas that will remain disturbed beyond the seeding season shall receive long term non-vegetative stabilization and protection measures sufficient to protect the site through the winter. In all cases, stabilization and protection measures shall be implemented as soon as possible in accordance with the Guidelines as well as CT DOT and Metro-North schedules.

The stabilization practices to be implemented during the construction of the proposed linear project are as follows:

**Temporary Vegetative Cover:** In coordination with Metro-North and CT DOT direction and schedules, all exposed areas that will be inactive for more than seven days, or immediately (as schedules allow) for stockpiles not to be used for 30 days, and areas that have not yet reached finished grades shall receive a temporary vegetative cover during the planting season of March 15 to July 1 and August 1 to October 15. This temporary vegetative cover shall consist of perennial rye grass. The rye grass shall be planted at a rate of 2 lbs./1,000 sq. ft. at a depth of ½ inch. Limestone (equivalent to be 50% calcium plus magnesium oxide) shall be applied as seedbed prepared at a rate of 90 lbs./1,000 sq. ft. Where grass predominates, fertilize according to a soil test at a minimum application rate of 1 lb. of nitrogen per ton, areas to be left bare before finish grading and seeding outside of planting seasons shall receive an air-dried woodchip mulch, free of coarse matter, treated with 12 lbs. of nitrogen per ton, applied at a rate of 185—275 lbs./1,000 sq. ft.

**Permanent Vegetative Cover:** Once the planting season begins, temporary stabilization measures shall be removed and slopes shall be prepared and seeded. Seeding shall be in accordance with the technical specifications for the project. Seeding shall only occur between April 1 and June 1 and August 15 and October 15.

## 4.1.2 Structural Measures

Structural practices shall be implemented to control the movement of sediment and minimize any discharge of pollutants from the site, divert flows away from exposed soils, store flows, and limit runoff. The structural practices to be implemented during construction are as follows:

- **Geotextile Sediment Filter Fence:** To minimize the transport of sediment from the disturbed areas to receiving wetlands, geotextile sediment filter fence has been shown on the plans at select areas around the site to filter runoff from the disturbed areas. Geotextile sediment filter fence details and locations are provided on the drawings. A row of geotextile sediment filter fence shall be placed around stockpiles during stockpiling operations. Geotextile sediment filter fence shall be removed only when the entire site has been permanently stabilized.
- **Haybale Barriers:** To reduce velocity of stormwater traveling across the site, haybale barriers may be installed across the direction of high runoff flows. Haybale barriers shall remain as temporary measures during construction to protect downgradient disturbed surfaces during establishment.
- **Construction Entrance/ Anti-Tracking Pad:** To prevent soil or sediment from being carried off site by construction equipment, a construction entrance will be installed before construction traffic into and out of the project area. The width of the anti-tracking pad shall not be less than the width of the ingress or egress. Adjacent roadways shall be swept daily to remove material that may be tracked onto pavement.

## 4.1.3 Maintenance

The erosion and sediment controls must be maintained in a condition that will protect waters of the State from pollution during site construction. The Contractor shall conduct the following maintenance to promote the proper performance of erosion and sediment control measures.

- **Temporary and Permanent Vegetation:** At any eroded areas, repair by filling to finished grades, replace vegetative support material and seed, fertilize and lime, as specified for temporary and permanent stabilization. Add additional mulch as required.
- **Pavement Sweeping:** Sweep surfaces adjacent to the construction entrances, the soil management areas, and designated haul routes daily. Properly dispose of sediment or debris collected during sweeping.
- **Silt Fence and Haybales:** Inspect silt fence and haybales immediately after each rainfall and at least daily during prolonged rainfall. Any required repairs should be made immediately. Should the barrier decompose or become ineffective while the barrier is still needed, the barrier shall be replaced promptly. Sediment deposits should be removed when they reach approximately one-half the height of the barrier. Sediment shall be disposed of on-site as non-structural fill. Sediment deposits remaining in place after the silt fence or haybales is no longer required shall

be removed and placed in a stockpile surrounded by silt fence in a location suitable to the Permittee.

---

## 4.2 Dewatering Wastewaters

Dewatering on this site is anticipated. Dewatering shall be in accordance with the *Summary of Soil and Groundwater Characterization* dated June 2014. This report indicates that based on the conditions observed in the field and the results of the analytical analysis, it is recommend that groundwater generated within the areas of the following monitoring well locations be managed and characterized as specified in this report.

All dewatering activities will be in compliance with both state and federal guidance/regulations.

Where treatment is not required for dewatering, wastewater from dewatering pumps will be infiltrated into the ground where possible. Where this is impracticable, proper methods and devices shall be utilized to the extent permitted by law, such as pumping water into a temporary sedimentation depression, providing surge protection at the inlet and outlet of pumps, floating the intake of the pump, or other methods to minimize and retain the suspended soils. These wastewaters will not be discharged directly without treatment. If a pumping operation causes turbidity problems beyond the control of these measures, the operation shall cease until feasible means of controlling turbidity (e.g. discharge to the sanitary sewer) are determined and implemented.

---

## 4.3 Post-Construction Stormwater Management

### 4.3.1 Standards

Detailed erosion and sedimentation controls in accordance with the Guidelines have been proposed for this site. This system will protect the wetlands during and after construction until the site is stabilized. The water quality of runoff from the stabilized, developed site will be improved using widely accepted Best Management Practices (BMPs).

### 4.3.2 Control Measures

At the end of construction, areas disturbed by construction activities shall be stabilized. As a result, the potential for erosion at this site after construction is minimal. Crushed stone areas will also serve as a filter to remove sediment from runoff if permanently stabilized areas are properly maintained. Perimeter controls (i.e., silt fence) will be actively maintained until final stabilization of those portions of the site up-gradient of the perimeter control. Temporary perimeter controls will be removed after final stabilization.

No channeled or concentrated flow of runoff is expected to leave the project sites. The water quality rain event will infiltrate through the crushed stone of the railroad right-of-way, thus providing 100% removal of the total suspended solids (TSS) from stormwater runoff.

The contractor shall be responsible for cleaning all post-construction stormwater structures and removal of remaining silt fence before filing a termination notice, a copy of which is included as *Appendix F*. After filing the termination, maintenance and cleaning of the unit shall become the responsibility of the Permittee.

The design will meet the requirements of the Connecticut Stormwater Quality Manual, the Standards and Guidelines for Soil Erosion and Sediment Control, and federal stormwater regulations.

### 4.3.3 Redevelopment Project Performance Standards

The Milvon-Devon site surfacing consist of crushed stone railroad right-of-way, and an approximately 6' diameter concrete base for each of the 43 proposed towers. The proposed conditions will slightly increase impervious cover from the existing conditions. For this condition of existing imperviousness below 40%, the project would be designed to retain on-site the entire water quality volume from the proposed development, for each work area.

For linear redevelopment projects, the General Permit understands that site conditions such as the active railroad line could prevent complying with full water quality retention standards. No new stabilization or retention structures are proposed for the Milvon-Devon project. However, the water quality rain event will infiltrate through the existing crushed stone of the railroad right-of-way.

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## 4.4 Other Controls

Good housekeeping will be maintained to minimize impacts of protected areas by pollutants, soil, and fugitive sediment.

### 4.4.1 Waste Disposal

The following BMPs shall be implemented to minimize the discharge of litter, debris, construction materials, hardened concrete waste, or similar materials to waters of the State.

- Construction waste will be removed from the site and disposed of legally.
- Waste will be removed from the site as soon as practical.
- Containers will be appropriate for the material stored.
- Where necessary, containers will be sealed/covered to prevent waste from escaping the container.
- Containers will only be located where approved by the engineer or regulatory agency.
- Waste storage areas shall be located, designed, and operated to prevent polluted runoff from leaving the waste storage area.
- Fences or covers shall be provided to prevent waste from blowing out of the waste storage area.

### 4.4.2 Construction Materials

Construction materials needed for this project will be properly stored in a neat and orderly manner until used. Construction materials shall not be stored outside of any buffers and at least 50 feet from any stream, wetland or other sensitive resource.

### 4.4.3 Washout Areas

Washout of applicators, containers, vehicles, and equipment for concrete, paint, and other materials shall be conducted in a designed washout area. There shall be no surface discharge of washout wastewaters from this area. To eliminate overflows during rainfall or after snowmelt all washwater shall be directed into a pit. This area shall be outside of any buffers and at least 50 feet from any stream, wetland, or other sensitive resource. The area shall be completely self-contained and clearly marked.

In addition, dumping of liquid wastes in storm sewers is prohibited. All wastes including hardened concrete waste from washouts shall be disposed of legally at an off-site location. At least once per week, all containers or pits used for washout should be inspected for structural integrity, adequate holding capacity, and to check for leaks or overflows. If any deficiencies are discovered, corrective action shall be taken immediately. Washout areas shall be emptied when levels reach 1/2 the height of the container or pit.

### 4.4.4 Vehicle Tracking and Dust Control

As shown on the plans, a construction entrance shall be installed and maintained to prevent vehicles from tracking sediments onto City roads. The Contractor shall be responsible for performing dust suppression techniques during construction, including but not limited to:

- Spraying water or calcium chloride as necessary to control dust from construction activities. The volume of water sprayed for controlling dust shall be minimized so as to prevent runoff of water. No discharge of dust control water shall contain or cause a visible oil sheen, floating solids, visible discoloration, or foaming. Calcium chloride may also be used to control dust.
- Sweeping surfaces adjacent to the construction entrances and the soil management areas daily. The designated haul routes will be swept as required.

If at any time fugitive dust is observed to be generated from the construction site, the Contractor shall be responsible for employing additional dust suppression techniques to remedy the situation.

### 4.4.5 Chemical and Petroleum Products

All chemical and petroleum product containers stored on the site (excluding those contained within vehicles and equipment) shall be provided with impermeable containment which will hold at least 110% of the volume of the largest container, or 10% of the total volume of all containers in the area, whichever is larger, without overflow from the containment area. All chemicals and their containers shall be stored under a roofed area. Containers of 100 gallon capacity or more may be stored without a roof only if stored in a double-walled tank.

On-site vehicles shall be monitored for leaks and receive maintenance as needed. Metro-North will not permit the storage of equipment and vehicles on the work areas within the railroad right-of-way.

Equipment and vehicles will be refueled and stored overnight within the dedicated occupation areas shown on the plans.

#### 4.4.6 Fertilizers

Fertilizers, if used in conjunction with the seeding operation, will be applied only in the amounts recommended by the manufacturer. Once applied, fertilizer will be worked into the soil to limit exposure to stormwater. Storage will be in a covered area. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.

#### 4.4.7 Spill Control Practices

The following practices shall be implemented during construction activities to mitigate spills of material and prevent their release to the waters of the State.

- Manufacturers' recommended methods for spill cleanup will be clearly posted and site personnel will be made aware of the procedures and the location of the information and cleanup supplies.
- Materials and equipment necessary for spill cleanup will be kept in the material storage area on-site. Equipment and materials will include but not be limited to brooms, dust pans, mops, rags, gloves, goggles, kitty litter, sand, sawdust, and plastic and metal trash containers specifically for this purpose.
- Spills will be cleaned up immediately after discovery.
- Spills of toxic or hazardous material will be reported to the appropriate State and local government agency, regardless of size.

## 5 Runoff Reduction and Low Impact Development (LID) Information

The majority of stormwater runoff generated at the sites infiltrates directly through the crushed stone of the railroad right-of-way. Surface runoff that does not infiltrate will sheet flow down and along the railroad embankment to abutting properties. The construction proposed will not alter the runoff coefficient of the project sites and will not promote channeled or areas of concentrated runoff. Existing drainage patterns will not change from pre to post construction activities. There will be no significant impacts to runoff peak flow rate or volume leaving the post construction site.

The *Wetland Identification and Delineation Report* included in *Appendix D* of this plan provides figures for the location of natural features, wetlands, drainage patterns, and soil information of the project site and surrounding areas. Impacts to the surroundings described in this report will be minimal. Limited vegetation clearing is required to access a portion of the Milvon-Devon work sites. The transmission towers installed at each work site will occupy approximately 30 square feet of surface area. No additional permanent impacts are anticipated from this project.

## 6 Inspections

### 6.1 Plan Implementation Inspections

Within the first 30 days following commencement of the construction activity on the sites, the permittee shall contact Fuss & O'Neill, who have been selected as the qualified soil erosion and sediment control professionals to inspect the sites. The sites shall be inspected at least once and no more than three times during the first 90 days to confirm compliance with the General Permit and proper initial implementation of all controls measures designated in the Plan for the sites for the initial phase of construction.

### 6.2 Routine Inspections

The Permittee shall routinely inspect the sites for compliance with the General Permit and the Plan until a Notice of Termination has been submitted. Inspection procedures for these routine inspections shall be addressed and implemented in the following manner: The Permittee shall maintain a rain gauge on-site to document rainfall amounts. The Permittee shall engage a qualified inspector (Fuss & O'Neill), to inspect the site at least once a week and within 24 hours of the end of a storm that generates a discharge. For storms that equal or exceed 0.5 inches that end on a weekend, holiday or other time after which normal working hours will not commence within 24 hours, an inspection is required within 24 hours. For storms of less than 0.5 inches, an inspection shall occur immediately upon the start of the subsequent normal working hours. Inspections of areas within the railroad right of way are dependent upon Metro North flagman scheduling. Where sites have been temporarily or finally stabilized, an inspection shall be conducted at least once every month for three months to confirm compliance with the General Permit. Inspections that involve access within the railroad right-of-way will be coordinated and scheduled with Metro-North to arrange a flagman.

The items to be inspected shall include, at a minimum, the following:

- Disturbed areas of the construction activity that have not been permanently stabilized
- All erosion and sediment control measures
- All structural control measures
- Stockpile areas
- Washout areas
- Drainage control facilities including diversion and perimeter drainage ditches
- Locations where vehicles enter or exit the site

Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants leaving the work site. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be visually inspected to ascertain whether erosion control measures are effective in preventing significant impacts, such as turbidity to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

Based on the results of the inspection, the description of potential sources and pollution prevention measures identified in the plan shall be revised as appropriate by the Permittee or his agent as soon as practicable after such inspection.

A report shall be prepared for every inspection and retained as part of the plan. The report shall, at a minimum, summarizing the following;

- The scope of the inspection
- Name(s) and qualifications of personnel making the inspection
- Date(s) of the inspection
- Weather conditions including precipitation information
- Major observations relating to the implementation of the storm water pollution control plan
- Descriptions of the stormwater discharge(s) from the site
- Any water quality monitoring performed during the inspection
- Statement that, in the judgment of the qualified inspector(s), the site is either in compliance or out of compliance with the terms and conditions of the Plan and General Permit.

The report shall be signed by both the qualified inspector and the permittee or his/her authorized representative in accordance with the General Permit. A blank copy of the inspection report is provided in *Appendix G*.

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. 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 to the site.

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## 6.3 Corrective Actions

If at any time an inspection determines that the site is out of compliance with the terms and conditions of this Plan and the General Permit, corrective actions shall be taken. 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 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 days and incorporated into a revised Plan within ten calendar days of the date of inspection unless another schedule is specified in the Guidelines. Implementation of corrective actions for areas within the railroad right of way is dependent upon Metro North flagman scheduling.

## 7 Monitoring

Stormwater sampling is required for monitoring turbidity. Sampling shall occur on a monthly basis, during storm events that generate a discharge of stormwater from the site while construction activity is ongoing, until final stabilization of the drainage areas associated with each outfall is achieved. Sampling shall continue on a monthly basis until final stabilization of the drainage area associated with each outfall is achieved.

Sampling is only required during normal working hours, as defined by the General Permit. For this project, normal working hours will comply with Metro-North Railroad working standards. Sampling that involves access within the railroad right-of-way will be coordinated and scheduled with Metro-North to arrange a flagman. Sampling within the railroad right of way will be contingent upon having a flagman present. If sampling is discontinued due to the end of normal working hours, it shall be resumed the next working day as long as the discharge continues. Sampling may be temporarily suspended if at any time conditions exist that may reasonably pose a threat to the safety of the person taking the sample (e.g. high winds, lightning, flooding, intense rainfall etc.). Sampling shall resume once the unsafe conditions are no longer present. If there is no stormwater discharge during a month, sampling is not required.

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## 7.1 Monitoring Requirements

All samples shall be collected from discharges resulting from a storm event that occurs at least 24 hours after any previous storm event that generated a discharge. Sampling of snow or ice melt in the absence of a storm event is not a valid sample.

Samples shall be grab samples taken at least three separate times during a storm event. The samples shall be representative of the flow and characteristics of the discharge. The first sample shall be taken within the first hour of stormwater discharge from the site. In cases where discharges begin outside of normal working hours, the first sample shall be taken at the start of normal working hours. Sampling of areas within the railroad right of way is dependent upon Metro North flagman scheduling.

Sampling is required of areas of concentrated runoff of stormwater from disturbed areas. Sampling shall be done in accordance with 40 CFR Part 136/ASTM D1889-00. Sampling locations are shown on the Erosion and Sedimentation Control Plans found in the Construction Drawings of *Appendix C* and shall be identified in the field with a flag, stake, or other visible marker.

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## 7.2 Monitoring Reports

The stormwater turbidity value for each sampling point shall be determined by taking the average of the turbidity values of all samples at that sampling point during a given storm. Any samples containing snow or ice melt must be noted. A blank copy of the stormwater monitoring report for submitting turbidity sampling data is provided in *Appendix H*.

Monitoring reports shall be submitted to CT DEEP in accordance with the provisions outlined in the General Permit.

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## 7.3 Sampling Points

The plans showing the proposed sampling points are provided in *Appendix C*. The project is considered a linear project according to the General Permit. Based on similarities of exposed soils, slope, and stormwater controls used the project has 16 sampling points, 1 representative sampling point for approximately every three tower replacement sites along the Milvon-Devon project. Each sampling point was determined based on areas down gradient of proposed work areas. The proposed work does

not create new outfalls and will not promote channeled or concentrated flow. The monitor will review each work site and take a sample if concentrated runoff is observed leaving the work area.

The Sampling Points are numbered as follows:

- # 1–865N      Location: Structure Number 865N
- # 2–871N      Location: Structure Number 871N
- # 3–876N      Location: Structure Number 876N
- # 4–878N      Location: Structure Number 878N
- # 5–882AN     Location: West of Structure Number 882AN
- # 6–887ANN    Location: Structure Number 887ANN
- # 7–887ANS    Location: Structure Number 887ANS
- # 8–STRING    Location: Stringing Site
- # 9–866S      Location: Structure Number 866S
- # 10–870S     Location: Between Structure Numbers 869S & 870S
- # 11–873S     Location: Structure Number 873S
- # 12–878S     Location: Structure Number 878S
- # 13–879S     Location: Structure Number 879S
- # 14–879S     Location: On-ramp north of Bridgeport Avenue
- # 15–880S     Location: East of Structure Number 880S
- # 16–885S     Location: Structure Number 885S

## 8 Contractors

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### 8.1 General

All contractors and subcontractors who will perform actions on site that may reasonably be expected to cause or have the potential to cause pollution of the waters of the State will be identified in *Appendix B*.

### 8.2 Certification Statement

All contractors and subcontractors must sign the certification included in *Appendix B*. All certifications will be included in the Stormwater Pollution Control Plan.

## 9 Additional Requirements

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### 9.1 Endangered and Threatened Species

Preliminary review of the maps titled Natural Diversity Data Base (NDDB) Areas in Milford, CT dated December 2013 published by the Connecticut Department of Energy and Environmental Protection, verified that the project sites are not located within, but are in close proximity to areas known to contain State and Federal Listed Species and Significant Natural Communities. Therefore, a NDDB review was requested.

The CTDEEP issued a response letter dated January 15, 2014 referencing NDDDB Determination No. 201400345. This letter and NDDDB mapping can be found in *Attachment C* of the General Permit Registration Form, under *Appendix A* of this plan.

## 10 Termination

Once the site has been stabilized and all final inspections have occurred, the registrant shall file a termination notice. Prior to filing for termination, all temporary erosion and sediment control measures shall be removed. A blank copy of the Notice of Termination Form is provided in *Appendix F*.

## Figures

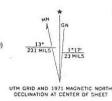
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South Central Conn. Regional Water Authority (New Haven Water Co.)  
 South Central Conn. Regional Water Authority (New Haven Water Co.) Beaver Brook Res. (E) AKA: Milford Res.

Mapped, edited, and published by the Geological Survey  
 Control by USGS, USCGS, and Connecticut Geodetic Survey  
 Topography by photogrammetric methods from aerial photographs taken 1949. Field checked 1951. Revised 1960  
 Selected hydrographic data compiled from USCGS Charts 218 and 219 (1959)  
 This information is not intended for navigational purposes  
 Polyconic projection. 1927 North American datum  
 10,000-foot grid based on Connecticut coordinate system  
 1,000-meter Universal Transverse Mercator grid ticks, zone 18, shown in blue  
 Fine red dashed lines indicate selected fence and field lines where generally visible on aerial photographs. This information is unchecked  
 Red tint indicates areas in which only landmark buildings are shown



SCALE  
 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000 FEET  
 0 1 MILE  
 CONTOUR INTERVAL 10 FEET  
 DATUM IS MEAN SEA LEVEL  
 DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOW WATER  
 SHOTBLIND SHOWS MINORITY FOR PROMINENT LINE OF MEAN HIGH WATER  
 THE MEAN RANGE OF TIDE IS APPROXIMATELY 6 FEET



ROAD CLASSIFICATION  
 Heavy-duty Light-duty  
 Medium-duty Unimproved dirt  
 Interstate Route U.S. Route State Route

MILFORD, CONN.—110  
 14107.5—147300/7.5  
 1965  
 PHOTOREVISED 1971  
 AMS 5366 II NE—SERIES 7916

FIG. 1

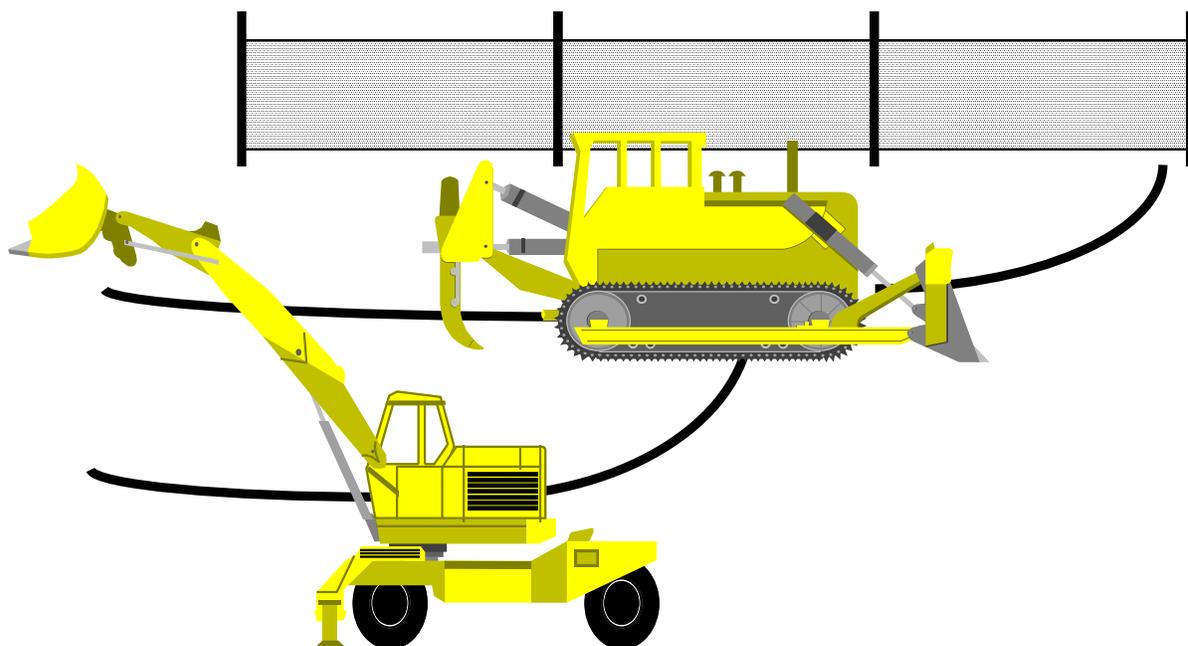
## Appendix A

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



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



Issuance Date: August 21, 2013  
Effective Date: October 1, 2013

Printed on recycled paper

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

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

## Section 1. Authority

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

## Section 2. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Aquifer Protection Areas

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

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

(4) Mining Operations Exception

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

(5) Discharge to POTW

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

(6) Discharge to Groundwater

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

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

(8) Certification Requirements for Registrants and other Individuals

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

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

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

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

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

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

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

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

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

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

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

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

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

- (2) will function properly as designed;
- (3) are adequate to ensure compliance with the terms and conditions of this general permit; and
- (4) will protect the waters of the state from pollution.

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

- (a) the Stormwater Pollution Control Plan prepared and certified pursuant to the registration is adequate to assure that the activity authorized under this general permit, if implemented in accordance with the Stormwater Pollution Control Plan, will comply with the terms and conditions of such general permit; and
- (b) all non-engineered and engineered stormwater management systems:
  - (1) have been designed to control pollution to the maximum extent achievable using measures that are technologically available and economically practicable and that conform to those in the Guidelines and the Stormwater Quality Manual;
  - (2) will function properly as designed;
  - (3) are adequate to ensure compliance with the terms and conditions of this general permit; and
  - (4) will protect the waters of the state from pollution.

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

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

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

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

(12) New Discharges to Impaired Waters

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

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

(c) **Registration**

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

(1) Locally Approvable Projects

The registration must:

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

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

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

(2) Locally Exempt Projects

The registration must:

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

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

(3) Re-Registration of Existing Projects

For sites previously registered under any previous version of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities and for which no Notice of Termination has been submitted pursuant to the “Termination Requirements” section (Section 6), a Re-Registration Form (available at [www.ct.gov/deep/stormwater](http://www.ct.gov/deep/stormwater)) pursuant to Section 4(c)(3) shall be submitted on or before February 1, 2014. The re-registration fee is payable (or waived) in accordance with Section 4(c)(1)(A)(iii). Resubmission of the permittee’s Plan is not required unless specifically requested by the commissioner.

**(d) *Small Construction***

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

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

**(e) *Geographic Area***

This general permit applies throughout the State of Connecticut.

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

The registration provisions of Section 3(c) and 4 of this General Permit, including any applicable definitions or provisions referred to in those sections insofar as they facilitate submission of a registration, shall be effective September 1, 2013. All remaining provisions of this General Permit shall be effective on October 1, 2013. The provisions of this General Permit shall expire on September 30, 2018.

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

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

**(1) Authorization Timelines**

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

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

**(2) Alternate Authorization Timelines**

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

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

- (B) for sites subject to the conditions of Section 3(b)(2), 3(b)(12) and/or Section 5(a)(2), the activity is authorized on the date of the commissioner's affirmative determination and/or approval, or
- (C) for sites authorized by any previous version of this general permit and for which no Notice of Termination has been submitted pursuant to the "Termination Requirements" section (Section 6), the activity is authorized effective October 1, 2013. Authorization under this general permit shall cease if a re-registration form is not submitted on or before February 1, 2014.

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

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

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

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

**Section 4. Registration Requirements**

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

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

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

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

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

**(1) Fees**

**(A) Registration Fee**

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

**(i) Locally Approvable Projects**

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

(ii) Locally Exempt Projects

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

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

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

(iii) Re-registration

- (a) For sites that registered under the previous version of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities prior to September 1, 2012 and for which no Notice of Termination has been submitted pursuant to the "Termination Requirements" section (Section 6), the re-registration fee shall be \$625 payable with submission of the re-registration form within one hundred twenty (120) days from the effective date of this general permit. If a Notice of Termination is submitted prior to that time, no registration or fee are required.
- (b) For sites that registered under the previous version of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities on or after September 1, 2012 and for which no Notice of Termination has been submitted pursuant to the "Termination Requirements" section (Section 6), the re-registration fee is waived.

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

(C) The registration fee is non-refundable.

(2) Registration Form

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

- (A) Legal name, address, and telephone number of the registrant. If the registrant is a person (as defined in Section 2 of this permit) transacting business in Connecticut and is registered with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State.
- (B) Legal name, address and telephone number of the owner of the property on which the construction activity will take place.

- (C) Legal name, address and telephone number of the primary contact for departmental correspondence and inquiries, if different from the registrant.
- (D) Legal name, address and telephone number of the developer of the property on which the construction activity is to take place.
- (E) Legal name, address and daytime and off-hours telephone numbers of the general contractor(s) or other representative(s), if different from the developer.
- (F) Legal name, address and telephone number of any consultant(s), engineer(s) or landscape architect(s) retained by the permittee to prepare the registration and Stormwater Pollution Control Plan.
- (G) Location address or description of the site for which the registration is filed.
- (H) The estimated duration of the construction activity.
- (I) Indication of the normal working hours of the site.
- (J) A brief description of the construction activity, including, but not limited to:
  - (i) Total number of acres to be disturbed, regardless of phasing.
  - (ii) Assurance that construction is in accordance with the Guidelines and local erosion and sediment control ordinances, where applicable.
  - (iii) For sites in the Coastal Boundary, documentation that the DEEP Office of Long Island Sound Programs or local governing authority has issued a coastal site plan approval or a determination that the project is exempt from coastal site plan review (see Appendix D) in accordance with section 22a-92 and 22a-93(15) of the Connecticut General Statutes.
  - (iv) Documentation that the construction activity will not threaten the continued existence of any species listed pursuant to section 26-306 of the Connecticut General Statutes as endangered or threatened and will not result in the destruction or adverse modification of habitat designated as essential to such species (see Appendix A).
  - (v) For sites discharging to certain impaired waters, as specified in Section 3(b)(12), documentation that the construction activity meets the requirements of that section and Section 5(b)(3) for authorization under this general permit.
  - (vi) Assurance that the construction activity is not located within an aquifer protection area (see Appendix C) as mapped under section 22a-354b of the Connecticut General Statutes or, if it is located within an aquifer protection area, that the construction activity will comply with regulations adopted pursuant to section 22a-354i of the Connecticut General Statutes.
  - (vii) For a proposed locally approvable project, a plan review certification from the appropriate District, qualified soil erosion and sediment control professional, and/or qualified professional engineer in accordance with Section 5(b)(10) or (11) or a notice from the District that they were unable to complete the Plan review within the time limits specified in the Memorandum of Agreement in Appendix F.

- (K) A brief description of the stormwater discharge, including:
- (i) The name of the municipal separate storm sewer system or immediate surface water body or wetland to which the stormwater runoff will discharge;
  - (ii) Verification of whether or not the site discharges to a tidal wetland (that is not a fresh-tidal wetland) within 500 feet of the discharge point, to a high quality water or to an impaired water with or without a TMDL;
  - (iii) The name of the watershed or nearest waterbody to which the site discharges.
  - (iv) Location of the stormwater discharge(s) including latitude and longitude.
- (L) The total effective impervious cover for the site before and after the proposed construction activity.
- (M) Documentation that the proposed construction activity has been reviewed for consistency with state Historic Preservation statutes, regulations, and policies including identification of any potential impacts on property listed or eligible for listing on the Connecticut Register of Historic Places. A review conducted for an Army Corps of Engineers Section 404 wetland permit would meet this qualification. Refer to Appendix G for guidance on conducting the required review.
- (N) Registrants for locally approvable projects may, if they choose, attach an electronic copy of their Plan to their registration or provide a web address where their Plan may be downloaded. If an electronic plan is not provided, the registrant is still subject to the requirements for submission of a Plan to the commissioner or a member of the public pursuant to the "Plan Availability" section (Section 4(e)(2)). An electronic Plan shall be in Adobe™ PDF format or similar publicly available format in common use. **DO NOT INCLUDE** in the Plan any pages or other material that do not pertain to stormwater management or erosion and sedimentation control (such as electrical and lighting plans, boundary or lot surveys, building plans, non-stormwater related detail sheets, etc.).
- (O) Registrants for all locally exempt projects must submit an electronic copy of their Plan or a web address where the electronic Plan can be downloaded. The electronic Plan shall be in Adobe™ PDF format or similar publicly available format in common use. **DO NOT INCLUDE** in this Plan any pages or other material that do not pertain to stormwater management or erosion and sedimentation control (such as electrical and lighting plans, boundary or lot surveys, building plans, non-stormwater related detail sheets, etc.).
- (P) The certification of the registrant and of the individual or individuals responsible for actually preparing the registration, in accordance with Section 3(b)(8).
- (Q) For all registrations, a design certification must be signed by a professional engineer in accordance with Section 3(b)(9):.
- (R) For registrations for locally approvable projects a review certification must be signed by either: (i) a District in accordance with Section 3(b)(10), or (ii) a qualified soil erosion and sediment control professional and/or qualified professional engineer in accordance with either Section 3(b)(11).

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

(3) Re-Registration Form

For sites previously registered under any previous version of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities and for which no Notice of Termination has been submitted pursuant to the “Termination Requirements” section (Section 6), a re-registration shall be filed electronically pursuant to Sections 3(c)(3) and 3(g) on forms prescribed and provided by the commissioner (available at: [www.ct.gov/deep/stormwater](http://www.ct.gov/deep/stormwater)) and shall include, but not be limited to, the following:

- (A) Legal name, address, and telephone number of the registrant. If the registrant is a person (as defined in Section 2 of this permit) transacting business in Connecticut and is registered with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State.
- (B) The previously issued permit number (beginning with GSN).
- (C) Legal name, address and telephone number of the owner of the property on which the construction activity will take place.
- (D) Legal name, address and telephone number of the primary contact for departmental correspondence and inquiries, if different from the registrant.
- (E) Legal name, address and telephone number of the developer of the property on which the subject construction activity is to take place.
- (F) Legal name, address and daytime and off-hours telephone numbers of the general contractor(s) or other representative(s), if different from the developer.
- (G) Legal name, address and telephone number of any consultant(s) or engineer(s) retained by the permittee to prepare the registration and Stormwater Pollution Control Plan.
- (H) Location address or description of the site for which the re-registration is filed.
- (I) Indication of the normal working hours of the site.
- (J) The estimated duration of the construction activity.
- (K) The signature of the registrant and of the individual or individuals responsible for actually preparing the re-registration, each of who shall certify in writing as follows:

“I hereby certify that I am making this certification in connection with a registration under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY] and that all terms and conditions of the general permit are being met for all discharges which have been initiated and such activity is eligible for authorization under such permit. I further certify that all designs and plans for such activity meet the current terms and conditions of the general permit in accordance with Section 5(b)(5)(C) of such general permit and that a system is in place to ensure that all terms and conditions of this general permit will continue to be met for all discharges authorized by this general permit at the site. I certify that the registration filed pursuant to this general permit is on complete and accurate forms as prescribed by the commissioner without alteration of their text. I certify that I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section

3(b)(8)(A) of such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I also understand that knowingly making any false statement made in the submitted information and in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the Connecticut General Statutes and any other applicable law.”

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

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

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

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

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

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

**(1) Registration Availability**

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

**(2) Plan Availability**

**(A) Electronic Plan Availability**

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

**(B) Non-Electronic Plan Availability**

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

**(f) Additional Information**

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

**(g) Additional Notification**

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

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

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

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

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

**(h) Action by Commissioner**

- (1) The commissioner may reject without prejudice a registration if it does not satisfy the requirements of the “Contents of Registration” section (subsection 4(c)) of this general permit. Any registration refiled after such a rejection shall be accompanied by the fee specified in the “Fees” subsection (subsection 4(c)(1)) of this general permit.
- (2) The commissioner may disapprove a registration if is inconsistent with the requirements for authorization under the “Requirements for Registration” section (Section 3(b)) of this general permit, or for any other reason provided by law.
- (3) Disapproval of a registration under this subsection shall constitute notice to the registrant that the subject construction activity must be authorized under an individual permit.
- (4) Rejection or disapproval of a registration shall be in writing.

**(i) Transition to New General Permit**

On or after August 1, 2013, up until and including August 31, 2013, a person filing a new registration for a site may file such registration: (a) under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities that expires on September 30, 2013; or (b) this general permit. A person filing a new registration for a site shall not register under both the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities that expires on September 30, 2013 and this general permit. After August 31, 2013, a person filing a new registration for a site shall only register under this general permit and shall be authorized pursuant to Section 3(g) of this general permit.

(Note: Any person who, on or after August 1, 2013, up until and including August 31, 2013, files a new registration for a site under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities that expires on September 30, 2013 shall, after October 1, 2013, re-register such site pursuant to Section 3(c)(3) and Section 4(c)(3) of this general permit.)

A person re-registering a site pursuant to Section 3(c)(3) and Section 4(c)(3) of this general permit may submit the required re-registration information anytime on or after August 1, 2013.

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

No person shall submit a registration under this general permit after June 30, 2018.

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

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

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

**(1) Structures and Dredging in Coastal and Tidal Areas**

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

**(2) Discharges to Tidal Wetlands**

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

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

**(3) Toxicity to Aquatic and Marine Life**

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

(4) Water Quality Standards

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

(5) High Quality Waters

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

**(b) Stormwater Pollution Control Plan**

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

(1) Development and Contents of Plan

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

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

(i) Site Plan

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

(ii) Site Description

(a) A narrative description of the nature of the construction activity;

(b) An estimate of the total area of the site and the total area of the site that is expected to be disturbed by construction activities;

(c) An estimate of the average runoff coefficient of the site after construction activities are completed;

(d) The name of the immediate receiving water(s) and the ultimate receiving water(s) of the discharges authorized by this general permit; and

(e) Extent of wetland acreage on the site.

(iii) Construction Sequencing

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

(iv) Control Measures

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

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

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

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

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

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

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

(vi) Inspections

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

(vii) Monitoring

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

(viii) Contractors

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

(b) Contractor Certification Statement

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

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

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

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

(c) Subdivisions

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

(ix) Impaired Waters

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

(2) Stormwater Control Measures

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

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

(A) Erosion and Sediment Controls

(i) Soil Stabilization and Protection

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

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

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

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

(ii) Structural Measures

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

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

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

(iii) Maintenance

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

(B) Dewatering Wastewaters

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

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

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

(C) Post-Construction Stormwater Management

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

(i) Post-Construction Performance Standards

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

(a) Redevelopment

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

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

(b) Other Development

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

(ii) Post-Construction Control Measures

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

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

(b) Suspended Solids and Floatables Removal

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

(c) Velocity Dissipation

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

(D) Other Controls

The following additional controls shall be implemented:

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

(ii) Washout Areas

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

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

(iii) Off-site vehicle tracking of sediments and the generation of dust shall be minimized. Wet dust suppression shall be used, in accordance with section 22a-174-18(b) of the Connecticut General Statutes, for any construction activity that causes airborne particulates. The volume of water sprayed for controlling dust shall be minimized so as to prevent the runoff of water. No discharge of dust control water shall contain or cause a visible oil sheen, floating solids, visible discoloration, or foaming in the receiving stream.

(iv) All post-construction stormwater structures shall be cleaned of construction sediment and any remaining silt fence shall be removed upon stabilization of the site.

(v) All chemical and petroleum product containers stored on the site (excluding those contained within vehicles and equipment) shall be provided with impermeable containment which will hold at least 110% of the volume of the largest container, or

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

(3) Additional Control Measures for Impaired Waters

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

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

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

(4) Inspections

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

(A) Plan Implementation Inspections

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

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

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

**(B) Routine Inspections**

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

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

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

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

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

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

#### (5) Keeping Plans Current

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

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

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

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

(6) Failure to Prepare, Maintain or Amend Plan

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

(7) Plan Signature

The Plan shall be signed and certified as follows:

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

(8) Plan Review Certification

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

(9) Plan Submittal

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

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

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

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

**(c) Monitoring Requirements**

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

Table 1

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

**(1) Turbidity Monitoring Requirements**

**(A) Monitoring Frequency**

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

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

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

(B) Sample Collection

(i) All samples shall be collected from discharges resulting from a storm event that occurs at least 24 hours after any previous storm event generating a stormwater discharge. Any sample containing snow or ice melt must be identified on the Stormwater Monitoring Report form. Sampling of snow or ice melt in the absence of a storm event is not a valid sample.

(ii) Samples shall be grab samples taken *at least* three separate times during a storm event and shall be *representative* of the flow and characteristics of the discharge(s). Samples may be taken manually or by an in-situ turbidity probe or other automatic sampling device equipped to take individual turbidity readings (i.e. not composite). The first sample shall be taken within the first hour of stormwater discharge from the site. In cases where samples are collected manually and the discharge begins outside of normal working hours, the first sample shall be taken at the start of normal working hours.

(C) Sampling Locations

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

(ii) Linear Projects

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

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

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

(E) Turbidity Values

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

(2) Stormwater Monitoring Reports

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

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

- (B) If there was no discharge during any given monitoring period, the permittee shall submit the form as required with the words “no discharge” entered in place of the monitoring results.
- (C) If the permittee monitors any discharge more frequently than required by this general permit, the results of this monitoring shall be included in additional SMRs for the month in which the samples were collected.
- (D) If sampling protocols are modified due to the limitations of normal working hours or unsafe conditions in accordance with Section 5(c)(1)(A)(ii) or (iii) above, a description of and reason for the modifications shall be included with the SMR.
- (E) If the permittee samples a discharge that is representative of two or more substantially identical discharge points, the permittee shall include the names or locations of the other discharge points.
- (F) NetDMR Reporting Requirements
- (i) Prior to one-hundred and eighty (180) days after the issuance of this permit, the Permittee may either submit monitoring data and other reports to the Department in hard copy form or electronically using NetDMR, a web-based tool that allows Permittees to electronically submit stormwater monitoring reports through a secure internet connection. Unless otherwise approved in writing by the commissioner, no later than one-hundred and eighty (180) days after the issuance of this permit the Permittee shall begin reporting electronically using NetDMR. Specific requirements regarding subscription to NetDMR and submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

(a) Submittal of NetDMR Subscriber Agreement

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

(b) Submittal of Reports Using NetDMR

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

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

(c) Submittal of NetDMR Opt-Out Requests

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

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

**Attn: NetDMR Coordinator**  
**Connecticut Department of Energy and Environmental Protection**  
**79 Elm Street**  
**Hartford, CT 06106-5127**

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

- (1) For a period of at least five years from the date that construction is complete, the permittee shall retain copies of the Plan and all reports required by this general permit, and records of all data used to complete the registration for this general permit, unless the commissioner specifies another time period in writing. Inspection records must be retained as part of the Plan for a period of five (5) years after the date of inspection.
- (2) The permittee shall retain an updated copy of the Plan required by this general permit at the construction site from the date construction is initiated at the site until the date construction at the site is completed.

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

The permittee shall comply with sections 22a-430-3 and 22a-430-4 of the Regulations of Connecticut State Agencies which are hereby incorporated into this general permit, as if fully set forth herein.

**(f) *Reliance on Registration***

In evaluating the registrant's registration, the commissioner has relied on information provided by the registrant. If such information proves to be false or incomplete, any authorization reliant on such information may be suspended or revoked in accordance with law, and the commissioner may take any other legal action provided by law.

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

Upon learning of a violation of a condition of this general permit, unless otherwise specified in this general permit, a permittee shall immediately take all reasonable action to determine the cause of such violation, correct and mitigate the results of such violation, prevent further such violation, and report in writing such violation and such corrective action to the commissioner within five (5) days of the permittee's learning of such violation. Such information shall be filed in accordance with the "Certification of Documents" section (Section 5(i)) of this general permit.

**(h) *Duty to Provide Information***

If the commissioner requests any information pertinent to the construction activity or to compliance with this general permit or with the permittee's authorization under this general permit, the permittee shall provide such information within fifteen (15) days of such request or other time period as may be specified in writing by the commissioner. Such information shall be filed in accordance with the "Certification of Documents" section (Section 5(i)) of this general permit.

**(i) *Certification of Documents***

Unless otherwise specified in this general permit, any document, including but not limited to any notice, information or report, which is submitted to the commissioner under this general permit shall be signed by the permittee, or a duly authorized representative of the permittee, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in this document or its attachments may be punishable as a criminal offense, in accordance with section 22a-6 of the Connecticut General Statutes, pursuant to section 53a-157b of the Connecticut General Statutes, and in accordance with any other applicable statute."

**(j) *Date of Filing***

For purposes of this general permit, the date of filing with the commissioner of any document is the date such document is received by the commissioner. The word "day" as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

**(k) *False Statements***

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

**(l) *Correction of Inaccuracies***

Within fifteen (15) days after the date a permittee becomes aware of a change in any information in any material submitted pursuant to this general permit, or becomes aware that any such information is inaccurate or misleading or that any relevant information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be filed in accordance with the certification requirements prescribed in Section 5(i) of this general permit.

**(m) *Transfer of Authorization***

Any authorization issued by the commissioner under this general permit is transferable only in accordance with the provisions of section 22a-6o of the General Statutes. Any person or municipality proposing to transfer any such authorization shall submit a license transfer form to the commissioner. The transferee is not authorized to conduct any activities under this general permit until the transfer is approved by the commissioner (typically 30 days). The transferee may adopt by reference the Plan developed by the transferor. The transferee shall amend the Plan as required by the “Keeping Plans Current” Section 5(b)(5) of this general permit).

**(n) *Reopener***

At such time as the USEPA may institute a new rule for post-construction stormwater management or modify the requirements for their National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activities (CGP) to institute a numeric Effluent Limitation Guideline (ELG) for turbidity in stormwater discharges from construction activities, the commissioner may reopen this general permit pursuant to the Section 40 Part 122.62(a) of the Code of Federal Regulations for implementation of these elements.

**(o) *Other Applicable Law***

Nothing in this general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

**(p) *Other Rights***

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or construction activity affected by such general permit. In conducting any construction activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

## Section 6. Termination Requirements

### (a) *Notice of Termination*

At the completion of a construction project registered pursuant to the “Registration Requirements” section (Section 4) of this general permit, a Notice of Termination must be filed with the commissioner. A project shall be considered complete after all post-construction measures are installed, cleaned and functioning and the site has been stabilized for at least three months following the cessation of construction activities. A site is considered stabilized when there is no active erosion or sedimentation present and no disturbed areas remain exposed **for all phases**.

#### (1) Post-Construction Inspection

For locally approvable projects, once all post-construction stormwater measures have been installed in accordance with the Post-Construction Stormwater Management section (subsection 5(b)(2)(C)) and cleaned of any construction sediment or debris, the registrant shall contact the appropriate Conservation District or a qualified soil erosion and sediment control professional and/or a qualified professional engineer, as appropriate, who will inspect the site to confirm compliance with these post-construction stormwater measures. This person(s) shall not be an employee, as defined by the Internal Revenue Service in the Internal Revenue Code of 1986, of the permittee and shall have no ownership interest of any kind in the project for which the site’s registration was submitted.

#### (2) Final Stabilization Inspection

For all projects, once the site has been stabilized for at least three months, the registrant shall have the site inspected by a qualified inspector to confirm final stabilization. The registrant shall indicate compliance with this requirement on the Notice of Termination form.

### (b) *Termination Form*

A termination notice shall be filed on forms prescribed and provided by the commissioner and shall include the following:

- (1) The permit number as provided to the permittee on the permit certificate.
- (2) The name of the registrant as reported on the general permit registration form (DEEP-PED-REG-015).
- (3) The address of the completed construction site.
- (4) The dates when:
  - (A) All storm drainage structures were cleaned of construction debris pursuant to the “Other Controls” section (subsection 5(b)(2)(D)) of this general permit; and
  - (B) The post-construction inspection was conducted pursuant to subsection 6(a)(1), above; and
  - (C) The date of completion of construction; and
  - (D) The date of the final stabilization inspection pursuant to subsection 6(a)(2), above.
- (5) A description of the post-construction activities at the site.

(6) Signatures of:

(A) The permittee; and

(B) The person certifying the post-construction inspection pursuant to subsection 6(a)(1), above.

**(c) *Where to File a Termination Form***

A termination form shall be filed with the commissioner at the following address:

CENTRAL PERMITS PROCESSING UNIT  
BUREAU OF MATERIALS MANAGEMENT & COMPLIANCE ASSURANCE  
DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION  
79 ELM STREET  
HARTFORD, CT 06106-5127

**Section 7. Commissioner's Powers**

**(a) *Abatement of Violations***

The commissioner may take any action provided by law to abate a violation of this general permit, including but not limited to penalties of up to \$25,000 per violation per day under Chapter 446k of the Connecticut General Statutes, for such violation. The commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with sections 22a-3a-2 through 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the commissioner by law.

**(b) *General Permit Revocation, Suspension, or Modification***

The commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

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

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

Issued:

August 21, 2013

  
Daniel C. Esty  
Commissioner

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

## APPENDIX A

### Endangered and Threatened Species

In order to be eligible for coverage under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (“GP” or “the GP”), under section 3(b)(2) of the GP, a registrant must ensure that the construction activity, which includes, but is not limited to, excavation, site development or other ground disturbance activities, and stormwater flow, discharges and control measures (“construction activity”), does not threaten the continued existence of any state or federal species listed as endangered or threatened (“listed species”) or result in the destruction or adverse modification of any habitat associated with such species.

In order to prevent significant, unforeseen delays in the processing of a registration under the GP, registrants should assess compliance with section 3(b)(2) early in the planning stages of a project. The Department of Energy and Environmental Protection (“the Department”) strongly recommends that this assessment *be initiated up to one year, or more*, prior to the projected construction initiation date, and even before the purchase of the site of the construction activity. At a minimum, registrants must assess compliance with section 3(b)(2) prior to submission of the Registration Form for the GP.

This Appendix describes the ways that a registrant can comply with section 3(b)(2) of the GP. In connection with the filing of a registration a registrant can perform a self-assessment described in Section 1, seek a limited one-year determination or a safe harbor determination from the Department’s Wildlife Division under Sections 2 or 3, respectively, or stipulate in writing to the presence of listed species or any habitat associated with such species and develop a mitigation plan pursuant to Section 5 of this Appendix. While some means of compliance are more limited than others, the options set out in this Appendix are not mutually exclusive and all options remain available to a registrant. For example, a registrant may perform a self-assessment under Section 1 and seek a safe harbor determination under Section 3 of this Appendix. Provided the requirements of this Appendix are met, the choice of how to proceed is the registrant’s.

### **Section 1. Self Assessment through Natural Diversity Database Map Review and Screening**

Before submission of a registration for coverage under this GP, a registrant must review the current versions of the Department’s Natural Diversity Data Base (“NDDB”) maps. Except as provided for in Sections 2, 3 or 5 of this Appendix, such review must occur no more than six months before such submission. Such review provides a method for screening whether the Department is already aware of listed species that may be present on the site of the construction activity. These maps can be viewed at the following locations:

1. Online at the following links:

[CT DEEP Natural Diversity Data Base Maps](#)  
[CTECO Webpage](#) (in the interactive Simple Map Viewer)

2. At the DEEP Public File Room at 79 Elm Street in Hartford.

## **Screening**

The site of the construction activity must be compared to the shaded areas depicted on the NDDDB map to determine if the site is entirely, partially, or within ¼ mile of a shaded area. If the site is entirely, partially or within a ¼ mile of a shaded area for a listed species a registrant can only achieve compliance with section 3(b)(2) of the GP by obtaining a limited one-year determination under Section 2, a safe harbor determination under Section 3, or an approved mitigation plan under Section 5 of this Appendix from the Department's Wildlife Division.

If the site of the construction activity is not entirely, partially or within ¼ mile of a shaded area, then the Department is not aware of any listed species at the site of the construction activity. Based upon this screening, and provided the registrant has no reasonably available verifiable, scientific or other credible information that the construction activity could reasonably be expected to violate section 3(b)(2) of the GP, when completing the Registration Form for this GP a registrant may check the box that indicates that the construction activity will not impact federal or state listed species.

A registrant using only self-assessment under this section may utilize the results of any such self assessment for up to, but no more than, six months from the date of such assessment. Note, however, that the NDDDB maps are not the result of comprehensive state-wide field investigations, but rather serve as a screening tool. Using such maps as a screening tool does not provide a registrant with an assurance that listed species or their associated habitat may not be encountered at the site of the construction activity. Notwithstanding the NDDDB screening results, if a listed species is encountered at the site of the construction activity, the registrant shall promptly contact the Department and may need to take additional action to ensure that the registrant does not violate section 3(b)(2) of the GP.

## **Section 2. Obtaining a Limited One-Year Determination**

A registrant may seek a written determination from the Department's Wildlife Division, good for one-year, that the proposed construction activity complies with section 3(b)(2) of the GP. To obtain this limited one-year determination, a registrant must, in addition to conducting the NDDDB map review in Section 1 of this Appendix, provide the Department's Wildlife Division with (1) any reasonably available verifiable, scientific or other credible information about whether the construction activity could reasonably be expected to result in a violation of section 3(b)(2) of the GP, and (2) limited information about the site of the proposed construction activity, but less information than would be necessary for a safe harbor determination under Section 3 of this Appendix. The limited information necessary for a one-year determination is on the current "Request for Natural Diversity Database (NDDDB) State Listed Species Review" form on the Department's website. The form and instructions for seeking such a limited one-year determination are available at [www.ct.gov/DEEP/nddbrequest](http://www.ct.gov/DEEP/nddbrequest).

Provided the registrant's information is accurate and the Department's Wildlife Division determines that the construction activity will not violate section 3(b)(2) of the GP, the registrant shall receive a limited one-year determination from the Department. Any such determination may indicate that the construction activity will not impact listed species or their associated habitat, or it may include specific conditions to be implemented to avoid or significantly minimize any impacts that may be encountered at the site of the construction activity. For purposes of submitting a registration for the GP, any such limited one-year determination can be relied upon by the person receiving such determination for one-year from the date of such determination. Like, however, the NDDDB screening procedure in Section 1 of this Appendix, a limited one-year determination does not provide a registrant with an assurance that listed species or their associated habitat may not be encountered at the site of the construction activity. If a listed species is encountered, the registrant shall promptly contact the Department

and may need to take additional action to ensure that the construction activity does not violate section 3(b)(2) of the GP.

If a registrant receives a limited one-year determination from the Department, the registrant should check the limited one-year determination box on the GP registration form and include the Department's one-year limited determination letter if requested on the GP Registration form. Checking the limited one-year determination box on the registration form and failing to provide the determination letter from the Department's Wildlife Division, if requested on the GP Registration form, will delay and may prevent processing of a registration.

If based upon the information provided by a registrant seeking a limited one-year determination the Department's Wildlife Division determines that the construction activity could impact listed species or their associated habitat, or that the Department needs additional information to make a limited one-year determination, the registrant may still achieve compliance with section 3(b)(2) of the GP through providing additional information pursuant to Section 4 or developing a mitigation plan pursuant to Section 5 of this Appendix.

A registrant may request one or more one-year extensions to a limited one-year determination under this section. If the Department's Wildlife Division has prescribed a form for requesting an extension, any such request shall be made using the prescribed form. There is a presumption that requests for a one-year extension of a limited one-year determination shall be granted. However, this presumption can be rebutted if the Department determines that a change in any of the following has occurred since an initial limited one-year determination or any extension was granted: the construction activity affecting or potentially affecting listed species or their associated habitat; the NDDB maps for the site of the construction activity; the limited information upon which a limited one-year determination or any extension was granted; or other information indicative of a change in circumstance affecting listed species or their associated habitat. Any one-year extension granted under this paragraph shall run from the date the Department's Wildlife Division issues its determination to grant an extension and shall be treated as a limited one-year determination as provided for in this section. Any letter granting a one-year extension shall be included with a registration along with the original limited one-year determination as provided for in this section.

### **Section 3. Obtaining a Safe Harbor Determination**

A registrant may seek a written determination from the Department's Wildlife Division, good for three years, with the potential to be extended for an additional year, that proposed construction activity complies with section 3(b)(2) of the GP. Any such determination shall constitute a "safe harbor" for purposes of section 3(b)(2) of the GP.

To obtain a safe harbor determination, a registrant must, in addition to conducting the NDDB review in section 1 of this Appendix, provide the Department's Wildlife Division with any reasonably available verifiable, scientific or other credible information about whether the construction activity could reasonably be expected to result in a violation of section 3(b)(2) of the GP and specific information about the site of the construction activity. The specific information necessary for a safe harbor determination is listed in Attachment A to this Appendix. This information must be sufficient to allow the Wildlife Division to adequately assess the site for potential risks to listed species and their associated habitat. While the Department recognizes certain information is necessary to make a safe harbor determination, it also recognizes that a registrant may need to obtain a safe harbor determination early in its project's approval process in order to make prudent business decisions about purchasing a site or proceeding to final project designs. The form and instructions for seeking a safe harbor determination are available at [www.ct.gov/DEEP/nddbrequest](http://www.ct.gov/DEEP/nddbrequest).

Provided the registrant's information is accurate and the Department's Wildlife Division determines that the construction activity will not violate section 3(b)(2) of the GP, the registrant shall receive a safe harbor determination from the Department. A safe harbor determination may indicate that the construction activity will not impact listed species or their associated habitat, or it may include specific conditions to be implemented to avoid or significantly minimize any impacts that may be encountered at the site of the construction activity. The Department shall honor the safe harbor determination for three years from the date it is issued, meaning that unlike the NDDB review in Section 1 or the limited one-year determination in Section 2 of this Appendix, if the Department makes a safe harbor determination and a registrant remains in compliance with any conditions in any such determination, irrespective of what may be found at the site of the construction activity, a registrant shall be considered in compliance with section 3(b)(2) of the GP. However, a safe harbor determination shall not be effective if a construction activity may threaten the continued existence of any federally listed species or its critical habitat under federal law. If a federally listed species or its critical habitat is encountered on the site of the construction activity, the registrant shall promptly contact the Department and may need to take additional action to ensure that the construction activity does not violate federal law or section 3(b)(2) of the GP.

If a registrant receives a safe harbor determination from the Department, the registrant should check the safe harbor determination box on the GP registration form and include the Department's safe harbor determination if requested on the GP Registration form. Checking the safe harbor box on the registration form and failing to provide the safe harbor determination letter from the Department's Wildlife Division, if requested on the GP Registration form, will delay and may prevent processing of a registration.

If based upon the information provided by a registrant seeking a safe harbor determination the Department's Wildlife Division determines that the construction activity could impact listed species or their associated habitat, or that the Department needs additional information to make a safe harbor determination, the registrant may still achieve compliance with section 3(b)(2) of the GP through providing additional information pursuant to Section 4 or developing a mitigation plan pursuant to Section 5 of this Appendix.

If a registrant receives a safe harbor determination from the Department's Wildlife Division, anytime during the third year of such safe harbor, a registrant may request a one-year extension of that safe harbor. If the Department's Wildlife Division has prescribed a form for requesting an extension, any such request shall be made using the prescribed form. There is a presumption that a request for a one-year extension of a safe harbor shall be granted. However, this presumption can be rebutted if the Department determines that a change in any of the following has occurred since the safe harbor was granted: the construction activity affecting or potentially affecting listed species or their associated habitat; the NDDB maps for the site of the construction activity; the information upon which the safe harbor was granted; or other information indicative of a change in circumstance affecting listed species or their associated habitat. A registrant may seek only one extension, for one-year, to a safe harbor determination. Any one-year extension granted under this paragraph shall run from the date of the Department's Wildlife Division issues its determination to grant an extension and shall be honored by the Department in the same manner as a safe harbor determination noted above. Any letter granting a one-year extension shall be included with a registration along with the original limited safe harbor determination as provided for in this section.

#### **Section 4. Providing Additional Information**

For the Department's Wildlife Division to make a limited one-year determination under Section 2 or a safe harbor determination under section 3 of this Appendix, limited additional information may be required to determine if the construction activity would impact listed species or their associated habitat. If the species in question is a state listed endangered or threatened species under section 26-306 of the general statutes, a registrant shall, in consultation with the Department's Wildlife Division, provide the limited additional

information requested by the Department's Wildlife Division. Such information may include, but is not limited to, a survey of specific listed species in question. If the species in question is a federally listed threatened or endangered species, in addition to the Department's Wildlife Division, a registrant shall also consult with the U.S. Fish and Wildlife Service and shall provide any additional information requested by that agency. A registrant that initially sought or obtained a limited one-year determination may, after providing the additional information required under this section request a safe harbor determination under Section 3 of this Appendix.

At any time, as an alternative to proceeding under Section 2, 3 or 4 of this Appendix, a registrant may stipulate, in writing, to the presence of one or more listed species or their associated habitat. A registrant choosing this alternative shall proceed to develop a mitigation plan under Section 5 of this Appendix.

If based upon any additional information provided to the Department's Wildlife Division, and as applicable, the U.S. Fish & Wildlife Service, the Department's Wildlife division determines that construction activity will be in compliance with section 3(b)(2) of the GP, a registrant shall receive a limited one-year determination under Section 2 or a safe harbor determination under Section 3 of this Appendix, as applicable.

If the Department's Wildlife Division determines that additional information is necessary to determine if the construction activity has the potential to impact listed species or their associated habitat, and a registrant chooses to not provide such information, a registrant shall proceed with the self assessment through an NDDB review under Section 1 of this Appendix, or stipulate to the existence of a listed species or associated habitat and develop a mitigation plan under Section 5 or such registrant shall not be eligible to register under the GP.

### **Section 5. Developing a Mitigation Plan**

The Department's Wildlife Division may determine that the construction activity has the potential to adversely impact listed species or their associated habitat. However, it may be possible to modify the construction activity or undertake certain on-site measures to avoid or significantly minimize such impacts. If the species or associated habitat in question is a state listed endangered or threatened species under section 26-306 of the general statutes, a registrant shall consult with the Department's Wildlife Division to determine if an acceptable mitigation plan can be developed so impacts can be avoided or minimized such that a registrant remains in compliance with section 3(b)(2). If the species in question is a federally listed threatened or endangered species, any such consultation shall also include the U.S. Fish and Wildlife Service.

If a registrant in consultation with the Department's Wildlife Division, and as applicable, the U.S. Fish & Wildlife Service, develops a mitigation plan that is approved by the Department's Wildlife Division, or as applicable, the U.S. Fish & Wildlife Service, the registrant shall receive a limited one-year determination under Section 2 or a safe harbor determination under Section 3 of this Appendix. In this situation, in addition to checking the one-year determination box or the safe harbor determination box, as applicable, on the registration form, the registrant shall also check the box on the registration form indicating that it has an approved mitigation plan and provide a status update on the registration form as to whether it has completed or is still in the process of implementing the approved mitigation plan.

If an approved mitigation plan has not been fully implemented by the time a registration is submitted, completing all remaining tasks in the plan shall become an enforceable condition of any registration issued to the registrant.

If the Department determines that the construction activity has the potential to adversely impact listed species or their associated habitat and the registrant and the Department, and as applicable, the U.S. Fish & Wildlife Service, are not able to agree on an acceptable mitigation plan that is approved by the Department, and as applicable, the U.S. Fish & Wildlife Service, any such registrant shall not be eligible to register under the GP.

**APPENDIX A**  
**ATTACHMENT A**

Specific Information Needed to Apply for a Safe Harbor Determination

A Safe Harbor Determination will be made upon the submission of a detailed report that fully addresses the matters noted below. For the Department's Wildlife Division to make a safe harbor determination, the report should synthesize and analyze this information, not simply compile information. Those providing synthesis and analysis need appropriate qualifications and experience. A request for a safe harbor determination shall include:

1) Habitat Information, including GIS mapping overlays, identifying:

- wetlands, including wetland cover types;
- plant community types;
- topography;
- soils;
- bedrock geology;
- floodplains, if any;
- land use history; and
- water quality classifications/criteria.

2) Photographs - The report should also include photographs of the site, including all reasonably available aerial or satellite photographs and an analysis of such photographs.

3) Inspection - The report should include a visual inspection(s) of the site, preferably when the ground is visible. This inspection can also be helpful in confirming or further evaluating the items noted above.

4) Biological Surveys - The report should include all biological surveys of the site where construction activity will take place that are reasonably available to a registrant. A registrant shall notify the Department's Wildlife Division of biological studies of the site where construction activity will take place that a registrant is aware of but are not reasonably available to the registrant.

5) Based on items #1 through 4 above, the report shall include a Natural Resources Inventory of the site of the construction activity. This inventory should also include a review of reasonably available scientific literature and any recommendations for minimizing adverse impacts from the proposed construction activity on listed species or their associated habitat.

6) In addition, to the extent the following is available at the time a safe harbor determination is requested, a request for a safe harbor determination shall include and assess:

- Information on Site Disturbance Estimates/Site Alteration information
- Vehicular Use
- Construction Activity Phasing Schedules, if any; and
- Alternation of Drainage Patterns

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

## APPENDIX B

### Connecticut Department of Energy & Environmental Protection Inland Water Resources Division Fact Sheet Considering Low Impact Development Principles in Site Design

In order to reduce the impact of development and address stormwater quality issues, the Department strongly encourages the use of Low Impact Development (LID) measures. LID is a site design strategy intended to maintain or replicate predevelopment hydrology through the use of small-scale controls, integrated throughout the site, to manage stormwater runoff as close to its source as possible. Infiltration of stormwater through LID helps to remove sediments, nutrients, heavy metals, and other types of pollutants from runoff.

#### Key Strategies for LID

Key strategies for effective LID include: infiltrating, filtering, and storing as much stormwater as feasible, managing stormwater close to where the rain/snow falls, managing stormwater at multiple locations throughout the landscape, conserving and restoring natural vegetation and soils, preserving open space and minimizing land disturbance, designing the site to minimize impervious surfaces, and providing for maintenance and education. Water quality and quantity benefits are maximized when multiple techniques are grouped together. In areas of compacted and/or possibly contaminated soils, soil suitability should be further investigated prior to selecting optimum treatment and/or remediation measures. Where soil conditions permit, the DEEP encourages the utilization of one, or a combination of, the following measures:

- the use of pervious pavement or grid pavers (which are very compatible for parking lot and fire lane applications), or impervious pavement without curbs or with notched curbs to direct runoff to properly designed and installed infiltration areas;
- the use of vegetated swales, tree box filters, and/or infiltration islands to infiltrate and treat stormwater runoff (from building roofs, roads, and parking lots);
- the minimization of access road widths and parking lot areas to the maximum extent possible to reduce the area of impervious surface;
- the use of dry wells to manage runoff from building roofs;
- incorporation of proper physical barriers or operational procedures for special activity areas where pollutants could potentially be released (e.g. loading docks, maintenance and service areas, dumpsters, etc.);
- the installation of rainwater harvesting systems to capture stormwater from building roofs for the purpose of reuse for irrigation (i.e. - rain barrels for residential use and cisterns for larger developments);
- the use of residential rain gardens to manage runoff from roofs and driveways;
- the use of vegetated roofs (green roofs) to detain, absorb, and reduce the volume of roof runoff; and
- providing for pollution prevention measures to reduce the introduction of pollutants to the environment.

The [2004 Stormwater Quality Manual LID Appendix](#) and the [2002 Erosion and Sediment Control Guidelines LID Appendix](#) both provide guidance on implementing LID measures. A guide to LID resources can also be found in the [DEEP Low Impact Development Resources Factsheet](#) (PDF).

#### LID in Urban Areas

If the proposed site is located in a highly urbanized area, it is likely underlain by urban land complex soils. The Natural Resources Conservation Service (NRCS) Soil Web Survey (<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>) provides information on soil textures, parent materials, slopes, height of seasonal high water table, depth to restrictive layer, and permeability. In highly developed areas, infiltration may be limited due to the high percentage of impervious cover. However, infiltration practices may be suitable at urban sites depending on:

- Potential contamination of soils in historically industrialized areas. The siting of areas for infiltration must consider any existing soil or groundwater contamination.
- Site specific soil conditions. NRCS mapping consists of a minimum 3 acres map unit and soils may vary substantially within each mapping unit. Test pits should be dug in areas
- planned for infiltration practices to verify soil suitability and/or limitations.
- Investigation of areas of compacted soils and the utilization of proper construction staging. Planning should insure that areas to be used for infiltration are not compacted during the construction process by vehicles or machinery.

Even if infiltration is limited at a site, it is still possible to implement LID practices. Specifically, potential exists for the installation of green roofs on buildings and/or the use of cisterns to capture and reuse rainwater.

### **LID in Areas with a High Seasonal Water Table or Hardpan Layer**

- The impact of stormwater runoff to any streams and/or wetlands near the site should be considered. Water quality treatment is influenced by hydraulic conductivity and time of travel. If stormwater infiltration is limited by an impermeable layer close to the surface, the water may run laterally through the ground and discharge to the stream or wetlands, providing limited water quality treatment. However, a longer time of travel may provide sufficient treatment. Proper soil testing for infiltration potential will increase the likelihood of successful BMP design.
- In areas with a high seasonal water table, bioretention areas/rain gardens should be planted with water tolerant/wetland plants. The presence of a high seasonal water table suggests that water may drain slowly or not at all during certain parts of the year. Planting native wetland vegetation will help to ensure plant survival and increase the effectiveness of bioretention practices. Information on native plantings that are both drought tolerant and tolerant of wet conditions can be found in The UConn Cooperative Extension System’s guide to building a rain garden at [http://nemo.uconn.edu/publications/rain\\_garden\\_broch.pdf](http://nemo.uconn.edu/publications/rain_garden_broch.pdf). Native plant lists for Connecticut can also be found at <http://www.fhwa.dot.gov/environment/rdsduse/ct.htm>.

### **LID Guidance for Federal Projects**

- LID techniques have been utilized by Department of Defense (DoD) agencies during the last several years. The effectiveness of these projects in managing runoff as well as reducing construction and maintenance costs has created significant interest in LID. The DoD has created a Unified Facilities Criteria document, Low Impact Development that provides guidelines for integrating LID planning and design into a facility’s regulatory and resource protection programs. It is available on-line at: [http://www.wbdg.org/ccb/DOD/UFC/ufc\\_3\\_210\\_10.pdf](http://www.wbdg.org/ccb/DOD/UFC/ufc_3_210_10.pdf).
- Section 438 of the Energy Independence and Security Act (EISA) of 2007 requires federal agencies to reduce stormwater runoff from federal development projects to protect water resources. In December 2009, the EPA developed a technical guidance document on implementing the stormwater runoff requirements for federal projects under Section 438 of EISA. The document contains guidance on how compliance with Section 438 can be achieved, measured and evaluated and can be found at: [http://www.epa.gov/owow/NPS/lid/section438/pdf/final\\_sec438\\_eisa.pdf](http://www.epa.gov/owow/NPS/lid/section438/pdf/final_sec438_eisa.pdf).

### **For more information contact the CT DEEP Watershed Management/Low Impact Development Program:**

<b>Name</b>	<b>Area</b>	<b>Telephone</b>
MaryAnn Nusom Haverstock	Program Oversight/ Low Impact Development	(860) 424-3347
Chris Malik	Watershed Manager	(860) 424-3959
Susan Peterson	Watershed Manager	(860) 424-3854
Eric Thomas	Watershed Manager	(860) 424-3548

## List of Runoff Reduction/LID Practices

Re-Forestation
Disconnection of Rooftop Runoff
Disconnection of Non-Rooftop Runoff
Sheetflow to Conservation Areas
Green Roof
Permeable Pavement
Rainwater Harvesting
Submerged Gravel Wetlands
Micro-Infiltration
Rain Gardens
Bioretention
Landscape Infiltration
Grass Swales
Bio-swales
Wet Swales
Stormwater Ponds
Stormwater Wetlands
Stormwater Filtering Systems
Stormwater Infiltration



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

### APPENDIX C

#### AQUIFER PROTECTION AREAS AND OTHER GROUNDWATER DRINKING SUPPLY AREAS GUIDANCE INFORMATION

The Pollution Control Plan (“the Plan”) should consider measures to reduce or mitigate potential impacts to both ground water (aquifers) and surface waters, taking into consideration both quantity and quality of the runoff. The emphasis should be to minimize, to the extent possible, changes between pre-development and post-development runoff rates and volumes.

The basic stormwater principals for Aquifer Protection Areas (and other groundwater drinking supply areas) are to prevent inadvertent pollution discharges/releases to the ground, while encouraging recharge of stormwater where it does not endanger groundwater quality. Measures include:

- prevent illicit discharges to storm water, including fuel/chemical pollution releases to the ground;
- minimize impervious coverage and disconnect large impervious areas with natural or landscape areas;
- direct paved surface runoff to aboveground type land treatment structures – sheet flow, surface swales, depressed grass islands, detention/retention and infiltration basins, and wet basins. These provide an opportunity for volatilization of volatile organic compounds to the extent possible before the stormwater can infiltrate into the ground;
- provide necessary impervious pavement in high potential pollutant release areas. These “storm water hot spots” include certain land use types or storage and loading areas, fueling areas, intensive parking areas and roadways (see table below);
- only use subsurface recharge structures such as dry wells, galleries, or leaching trenches, to directly infiltrate clean runoff such as rooftops, or other clean surfaces. These structures do not adequately allow for attenuation of salts, solvents, fuels or other soluble compounds in groundwater that may be contained in runoff; and
- restrict pavement deicing chemicals, or use an environmentally suitable substitute such as sand only, or alternative de-icing agents such as calcium chloride or calcium magnesium.

**Infiltration** of stormwater should be **restricted** under the following site conditions:

- **Land Uses or Activities with Potential for Higher Pollutant Loads:** Infiltration of stormwater from these land uses or activities (refer to Table 7-5 below), also referred to as stormwater “hotspots,” can contaminate public and private groundwater supplies. Infiltration of stormwater from these land uses or activities may be allowed by the review authority with appropriate pretreatment. Pretreatment could consist of one or a combination of the primary or secondary treatment practices described in the Stormwater Quality Manual provided that the treatment practice is designed to remove the stormwater contaminants of concern.
- **Subsurface Contamination:** Infiltration of stormwater in areas with soil or groundwater contamination such as brownfield sites and urban redevelopment areas can mobilize contaminants.
- **Groundwater Supply and Wellhead Areas:** Infiltration of stormwater can potentially contaminate groundwater drinking water supplies in immediate public drinking water wellhead areas.

**Land Uses or Activities with Potential for Higher Pollutant Loads**  
 Table 7-5 of the 2004 Stormwater Quality Manual

<u><b>Land Use/Activities</b></u>	
<ul style="list-style-type: none"> <li>• Industrial facilities subject to the DEEP Industrial Stormwater General Permit or the U.S. EPA National Pollution Discharge Elimination System (NPDES) Stormwater Permit Program</li> <li>• Vehicle salvage yards and recycling facilities</li> <li>• Vehicle fueling facilities (gas stations and other facilities with on-site vehicle fueling)</li> <li>• Vehicle service, maintenance, and equipment cleaning facilities</li> <li>• Fleet storage areas (cars, buses, trucks, public works)</li> <li>• Commercial parking lots with high intensity use (shopping malls, fast food restaurants, convenience stores, supermarkets, etc.)</li> <li>• Public works storage areas</li> </ul>	<ul style="list-style-type: none"> <li>• Road salt storage facilities (if exposed to rainfall)</li> <li>• Commercial nurseries</li> <li>• Flat metal rooftops of industrial facilities</li> <li>• Facilities with outdoor storage and loading/unloading of hazardous substances or materials, regardless of the primary land use of the facility or development</li> <li>• Facilities subject to chemical inventory reporting under Section 312 of the Superfund Amendments and Reauthorization Act of 1986 (SARA), if materials or containers are exposed to rainfall</li> <li>• Marinas (service and maintenance)</li> <li>• Other land uses and activities as designated by the review authority</li> </ul>

For further information regarding the design of stormwater collection systems in Aquifer Protection Areas, contact the Aquifer Protection Area Program at (860) 424-3020 or visit [www.ct.gov/deep/aquiferprotection](http://www.ct.gov/deep/aquiferprotection).



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

## APPENDIX D

### Coastal Management Act Determination Form

For sites within the Coastal Boundary, please attach this form and written approval from the local governing authority (or verification of exemption) to the Registration Form for the Discharge of Stormwater and Dewatering Wastewaters From Construction Activities.

#### **SITE INFORMATION**

Future Permittee _____
Mailing Address _____
Business Phone _____ ext.: _____ Fax: _____
Contact Person _____ Title: _____
Site Name _____
Site Address/ Location _____
Site Latitude and Longitude _____
Receiving Water (name, basin) _____
Project Description _____
_____

#### **STATEMENT OF REVIEW:**

<p>The above referenced project is consistent with the goals and policies in section 22a-92 of the Connecticut General Statutes and will not cause adverse impacts to coastal resources as defined in section 22a-93(15) of the Connecticut General Statutes.</p> <p>Date of Coastal Site Plan Approval: _____</p> <p><input type="checkbox"/> Copy of written approval attached, or</p> <p><input type="checkbox"/> Verification of exemption attached</p>
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**APPENDIX E**  
**(Exhibit 3 of District/DEEP Memorandum of Agreement)**

**Conservation Districts of Connecticut**  
**Regional Delineations and Contact Information**

Northwest Conservation District  
1185 New Litchfield Street  
Torrington, CT 06790  
Ph: 860-626-7222  
Fax: 860-626-7222  
Email: ncd@conservect.org

Eastern Connecticut Conservation District  
238 West Town Street  
Norwich, CT 06360-2111  
Ph: 860-887-4163 x 400 Fax: 860-887-4082  
Email: kate.johnson.eccd@comcast.net

Connecticut River Coastal Conservation District, Inc.  
deKoven House Community Center  
27 Washington Street  
Middletown, CT 06457  
Ph: 860-346-3282 Fax: 860-346-3284  
Email: ctrivercoastal@conservect.org

Southwest Conservation District  
51 Mill Pond Road  
Hamden, CT 06514  
Ph: 203-287-8179 Fax: 203-288-5077  
Email: swcd43@sbcglobal.net

North Central Conservation District  
24 Hyde Avenue  
Vernon, CT 06066  
Ph: 860-875-3881 Fax: 860-870-8973  
Email: tollandc@snet.net

<b>NORTHWEST</b>	<b>SOUTHWEST</b>	<b>NORTH CENTRAL</b>	<b>CT RIVER COASTAL</b>	<b>EASTERN</b>
Barkhamsted	Ansonia	Avon	Berlin	Andover
Bethel	Beacon Falls	Bloomfield	Chester	Ashford
Bethlehem	Bethany	Bolton	Clinton	Bozrah
Bridgewater	Branford	Bristol	Colchester	Brooklyn
Brookfield	Bridgeport	Burlington	Cromwell	Canterbury
Canaan	Cheshire	Canton	Deep River	Chaplin
Colebrook	Darien	Coventry	Durham	Columbia
Cornwall	Derby	East Granby	East Haddam	Eastford
Danbury	East Haven	East Hartford	East Hampton	East Lyme
Goshen	Easton	East Windsor	Essex	Franklin
Hartland	Fairfield	Ellington	Haddam	Griswold
Harwinton	Greenwich	Enfield	Hebron	Groton
Kent	Guilford	Farmington	Killingworth	Hampton
Litchfield	Hamden	Glastonbury	Lyme	Killingly
Morris	Meriden	Granby	Madison	Lebanon
New Fairfield	Middlebury	Hartford	Marlborough	Ledyard
New Hartford	Milford	Manchester	Middlefield	Lisbon
New Milford	Monroe	Plainville	Middletown	Mansfield
Newtown	Naugatuck	Simsbury	Newington	Montville
Norfolk	New Canaan	Somers	New Britain	New
North Canaan	New Haven	South Windsor	Old Lyme	London
Plymouth	North Branford	Stafford	Old Saybrook	North
Roxbury	North Haven	Suffield	Portland	Stonington
Salisbury	Norwalk	Tolland	Rocky Hill	Norwich
Sharon	Orange	Vernon	Salem	Plainfield
Sherman	Oxford	West Hartford	Westbrook	Pomfret
Southbury	Prospect	Wethersfield		Preston
Thomaston	Redding	Willington		Putnam
Torrington	Ridgefield	Windsor		Scotland
Warren	Seymour	Windsor Locks		Sprague
Washington	Shelton			Sterling
Watertown	Southington			Stonington
Winchester	Stamford			Thompson
Woodbury	Stratford			Union
	Trumbull			Voluntown
	Wallingford			Waterford
	Waterbury			Windham
	West Haven			Woodstock
	Weston			
	Westport			
	Wilton			
	Wolcott			
	Woodbridge			

## APPENDIX F

### Memorandum of Agreement Between The Connecticut Department of Energy & Environmental Protection and the Conservation Districts of Connecticut

**WHEREAS**, the Commissioner of the Department of Energy and Environmental Protection (“Department” or “DEEP”) is authorized by section 22a-6(2)(3) and (4) of the Connecticut General Statutes (“CGS”) to enter into this Agreement; and

**WHEREAS**, the five Conservation Districts of Connecticut (collectively, the “Districts”), are not-for-profit corporations duly authorized, organized and existing under the laws of the State of Connecticut and are authorized by section 22a-315 of the CGS and section 22a-315-14 of the Regulations of Connecticut State Agencies to enter into this Agreement; and

**WHEREAS**, section 22a-430b of the Connecticut General Statutes requires the Department to regulate stormwater discharges from construction activities under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities (“the Construction General Permit” or “CGP”), which has been or shall be issued on October 1, 2013. The Construction General Permit requires the implementation of erosion and sedimentation controls to control the discharge of sediment from construction and post-construction discharges; and

**WHEREAS**, Construction General Permits require the preparation and implementation of a Stormwater Pollution Control Plan (“Plan” or “SWPCP”) to prevent erosion and the discharge of sediment to the waters of the state; and

**WHEREAS**, pursuant to section 22a-315 of the CGS, soil and water conservation districts and boards were established to advise the Commissioner on matters of soil and water conservation and erosion and sedimentation control and to assist the Commissioner in implementing programs related to soil and water conservation and erosion and sediment control; and

**WHEREAS**, pursuant to section 22a-315 of the CGS, the soil and water conservation districts and boards may receive funds from private sources for services provided to promote soil and water conservation and to assist the Commissioner in the implementation of related programs; and

**WHEREAS**, section 22a-326 of the CGS declares the policy of the state “to strengthen and extend its erosion and sediment control activities and programs and to establish and implement, through the Council on Soil and Water Conservation, soil and water conservation districts, the municipalities and the Commissioner of Energy and Environmental Protection, a state-wide coordinated erosion and sediment control program which shall reduce the danger from storm water runoff, minimize nonpoint sediment pollution from land being developed and conserve and protect the land, water, air and other environmental resources of the state;” and

**WHEREAS**, the Districts have understanding and experience in reviewing erosion and sediment control plans because of their longstanding participation in the municipal approval process, as required by section 22a-329 of the CGS; and

**WHEREAS**, DEEP and the Districts are jointly dedicated to protecting the waters of the state by controlling the discharge of sediment and the pollution resulting from stormwater runoff.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions hereinafter stated, the Parties agree as follows:

## **I. RESPONSIBILITIES OF THE CONSERVATION DISTRICTS.**

For locally approvable projects, as defined in the Construction General Permit, with five (5) or more acres of soil disturbance, the appropriate District (as specified in Appendix E of the Construction General Permit, appended hereto as Exhibit 3) shall review Stormwater Pollution Control Plans submitted to the District in accordance with Section 3(b)(10) of the CGP, shall determine whether each such SWPCP is consistent with the requirements of the CGP, and shall advise the Commissioner in writing of its determination regarding the SWPCP's consistency.

### **A. Components of the SWPCP Review by the Districts**

#### **1. Requirements for Conducting a Review:**

(a) SWPCP review shall be conducted by a District representative having one or more of the following minimum qualifications: (i) a bachelor's degree in hydrology, engineering (agricultural, civil, environmental, or chemical), landscape architecture, geology, soil science, environmental science, natural resources management, or a related field and two years of professional and field experience, or (ii) the EnviroCert International, Inc. designation as a Certified Professional in Erosion and Sediment Control, or a Certified Professional in Storm Water Quality.

(b) All SWPCP reviews undertaken by a District shall be conducted in accordance with the guidelines and procedures established by DEEP in consultation with the Districts, as further described below, and shall include at least one inspection, and no more than 3 inspections, of the project site.

(c) The District shall begin a SWPCP review upon the receipt of the all of following: the developer's request for review, two copies of the proposed SWPCP, the payment of required fee in the amount specified in Exhibit 1 and the written permission of the developer to enter onto and inspect the project site. Once the District is in receipt of all the documents and the fee as delineated above, the developer's SWPCP shall be considered submitted to the District.

#### **2. Determinations of Consistency by the District after Review of the SWPCP and Subsequent Procedures**

(a) If the District determines the developer's SWPCP is:

(i) Consistent with the requirements of the Construction General Permit, the District shall issue an affirmative determination notice to both the developer or such developer's designee and to DEEP in order to advise them of the adequacy of the SWPCP. The District shall also provide a copy of the SWPCP to DEEP if requested by the Commissioner.

(ii) Not consistent with the requirements of the Construction General Permit, the District shall provide a written notice of such inconsistency to the developer or such developer's designee; such notice shall include a list of the SWPCP's deficiencies and any appropriate explanatory comments.

(b) If the developer's SWPCP is found to be inconsistent with the CGP, the developer may revise the SWPCP (the "Revised SWPCP") to address any deficiencies noted by the District and resubmit its Revised SWPCP to the District for review.

(c) If the District receives a Revised SWPCP in accordance with subsection (b) above, the District shall perform a review of the Revised SWPCP. If the Revised SWPCP is deemed:

(i) Consistent with the requirements of the Construction General Permit, the District shall (1) issue an affirmative determination notice to both the project developer or such project developer's designee and to DEEP to advise them of the adequacy of the SWPCP and (2) provide a copy of the SWPCP to the DEEP if requested by the Commissioner; or

(ii) Not consistent with the requirements of the CGP after this review, the District shall provide a written notice of such inconsistency to the developer or such developer's designee. This notice shall include a list of all remaining SWPCP deficiencies and any explanatory comments as appropriate.

(d) In the event the District determines after review of the Revised SWPCP in accordance with subsection (c), above, that the Revised SWPCP remains inconsistent with the requirements of the Construction General Permit, and the developer resubmits its Revised SWPCP *within 180 calendar days* of the District's original determination of inconsistency, the resubmitted Revised SWPCP shall be considered a Resubmission. As such, the resubmitted Revised SWPCP shall be reviewed by the District in accordance with the timeframes set forth in Section I.B., and other applicable sections of this document, and the fee shall be in accordance with Section II, below, and the Resubmission Fee in Exhibit 1.

(e) In the event the District determines after review of the Revised SWPCP in accordance with subsection (c), above, that the Revised SWPCP remains inconsistent with the requirements of the Construction General Permit, and the developer resubmits its Revised SWPCP *more than 180 calendar days after* the District's original determination of inconsistency, the resubmitted Revised SWPCP shall be considered a new submission. The newly submitted Revised SWPCP shall be reviewed by the District in accordance with the timeframes set forth in Section I.B., and other applicable sections of this document, and the fee shall be in accordance with Section II, below, and the SWPCP Review Fee in Exhibit 1.

(f) Revisions to a SWPCP subsequent to the District's prior approval of developer's SWPCP

(i) In the event the developer revises a SWPCP after the District has determined that the developer's SWPCP, prior to this revision, was consistent with the requirements of the Construction General Permit, and the developer submits the revised SWPCP to the District for review *within 180 calendar days* of the District's original determination of consistency, the SWPCP shall be considered a Post-Approval Resubmission. As a Post-Approval Resubmission, the SWPCP shall be reviewed by the District in accordance with the timeframes set forth in Section I.B., and other applicable sections of this document, and the fee shall be in accordance with Section II, below, and the Post-Approval Resubmission Fee in Exhibit 1.

(ii) In the event the developer revises a SWPCP after the District has determined that the developer's SWPCP, prior to this revision, was consistent with the requirements of the Construction General Permit, and the developer submits the revised SWPCP to the District for review *more than 180 calendar days after* the District's original determination of consistency, the SWPCP shall be considered a new submission. The newly submitted SWPCP shall be reviewed by the District in accordance with the timeframes set forth in Section I.B., and other applicable sections of this document, and the fee shall be in accordance with Section II, below, and the SWPCP Review Fee in Exhibit 1.

## **B. Plan Review Timeframes**

1. The District shall review a new submission of a SWPCP submitted by a developer or such developer's designee and provide review comments within thirty (30) calendar days of the date of a complete submission as specified in Section I.A.1.(c).
2. If the District identifies deficiencies in the SWPCP, the District shall allow the developer or such developer's designee the opportunity to revise their SWPCP and resubmit it to the District within fifteen (15) calendar days after the date of mailing or delivery of the District's written comments to the developer or such developer's designee.
3. The District shall review any SWPCP revised in accordance with subsection I.B.2., above, and provide a written determination of the SWPCP's consistency or inconsistency within fifteen (15) calendar days after the submission of the revised SWPCP.
4. At the request of the District or the developer and with the agreement of both the District and the developer, the deadlines stated in subsections 1. – 3., above, may be extended. However, any such extensions shall be limited to no more than double the original amount of time allowed above for the relevant action.
5. Express review of a SWPCP may be requested by a developer. However, the Districts shall have complete discretion to accept or decline such request for an express review based on the District's circumstances, including, but not limited to: their existing workload, vacation schedules and staffing. If a District grants an express review, the timeframe shall be reduced to no more than one third of the timeframes noted in subsection 1. – 3., above, and the fee shall be in accordance with the Express Reviews fee in Exhibit 1.
6. In the event a District does not complete the review of the SWPCP within sixty (60) days (or within the time allowed under any authorized extension pursuant to subsection B.4, above, but in no circumstance later than 120 days) of the date the SWPCP was initially submitted to the District, and provided such delay is not the result of the developer's or such developer's designee's failure to address SWPCP deficiencies as noted in subsection B.2, above, the District shall:
  - (a) not later than three (3) days after the District's deadline, notify the DEEP that the developer shall be initiating the registration process for the Construction General Permit in accordance with section I.B of this Agreement, for completion of the SWPCP review, and;
  - (b) provide to the DEEP, upon request, the District's complete file, including supporting documentation the developer's SWPCP consistency determination, including, but not limited to, the SWPCP, any other documentation submitted to the District by or on behalf of a developer, and any analysis already performed by the District; and
  - (c) not later than seven (7) days after the District's deadline, in accordance with section I.B of this Agreement, for completion of the SWPCP review, transfer to the DEEP, up to a maximum of \$4,500, the fees that were originally submitted by the developer.

## **C. Inspections of the Project Site**

1. Prior to the commencement of project construction and during the course of the SWPCP review process, the District shall conduct at least one inspection of the project site.
2. Once the construction of the project has begun, a District shall make at least one, but not more than three, inspection(s) of the project site to verify that the developer's SWPCP is being

implemented as approved by the District. A District shall report the results of the inspection(s) to the developer or such developer's designee and to DEEP in a manner prescribed by the Commissioner.

3. Upon notification from the developer or developer's designee, in accordance with Section 6(a)(1) of the CGP, that construction of the stormwater collection and management system is complete, the District shall conduct one inspection of the project site to verify that the post-construction stormwater management measures were completed in accordance with the approved SWPCP. The District shall report the results of this inspection to DEEP in a manner prescribed by the Commissioner.

#### **D. Audits**

The District agrees that all records pertaining to this Agreement shall be maintained for a period of not less than five (5) years. Such records shall be made available to the DEEP and to the state auditors upon request. For the purposes of this Agreement, "Records" are all working papers and such information and materials as may have been accumulated by the District in performing the Agreement, including, but not limited to, documents, data, analysis, plans, books, computations, drawings, specifications, notes, reports, records, estimates, summaries and correspondence, kept or stored in any form.

### **II. FEE SCHEDULE.**

**A.** A District may assess fees for the services it renders in conjunction with its SWPCP reviews. Such fees shall be paid as follows:

1. All fees, except those described in subsection II.A.2, below, shall be submitted by the developer to the District with the developer's request for review. These fees are non refundable.
2. The fee for Post-Approval Resubmission, as designated in Exhibit 1, shall be submitted by the developer to the District upon completion of the District's review, prior to release of the determination notice, and is non refundable.

**B.** The Fee Schedule shall be reviewed annually by the Parties. The Fee Schedule may be adjusted as warranted, without a formal amendment to this Agreement, by mutual agreement between the Districts and the Commissioner.

### **III. RESPONSIBILITIES OF DEEP.**

**A.** In accordance with the Construction General Permit requirements for SWPCP reviews by a third party, DEEP shall conduct outreach to inform the development community that a District may review SWPCPs for consistency with the requirements of the Construction General Permit. DEEP shall also inform the development community that a registration form for authorization under the Construction General Permit may only be submitted to DEEP if: the District, or other third party in accordance with Section 3(b)(11) of the CGP, determines that the SWPCP is consistent with the requirements of the CGP, or in the event the time schedule is exceeded for a District review as described in section I.B.6, above.

**B.** In order to institute standard SWPCP review guidelines and procedures, DEEP shall coordinate with the Districts to prepare a SWPCP checklist. The standard review guidelines and procedures established shall be consistent with the requirements of the Construction General Permit, the 2002 CT Guidelines for Soil Erosion and Sedimentation Control, and the 2004 Stormwater Quality Manual. The Commissioner shall have final approval of the review guidelines and procedures.

**C.** DEEP shall provide initial training regarding SWPCP requirements for District staff involved in SWPCP reviews. The frequency of subsequent training shall be determined by the Commissioner.

**D.** DEEP shall retain final decision making authority regarding the determination that a SWPCP is or is not consistent with the requirements of the Construction General Permit and shall oversee the permitting process for Construction General Permit coverage.

**E.** Once a SWPCP has been approved, DEEP shall oversee any subsequent compliance and/or enforcement matters related to a developer's adherence to the requirements of the Construction General Permit.

**F.** DEEP shall have the discretion to review any of the Districts' records pertaining to any aspect this Agreement.

#### **IV. POINTS OF CONTACT.**

The following shall be points of contact for this Agreement unless otherwise agreed to by all Parties, notwithstanding section VI. All notices, demands, requests, consents, approvals or other communications required or permitted to be given or which are given with respect to this Agreement (for the purpose of this section collectively called "Notices") shall be deemed to have been effected at such time as the notice is placed in the U.S. mail, first class and postage prepaid, return receipt requested, or, placed with a recognized, overnight express delivery service that provides for a return receipt. All such Notices shall be in writing and shall be addressed as follows:

**A. DEEP**

Director  
Water Permitting & Enforcement Division  
Bureau of Material Management & Compliance Assurance  
Department of Energy & Environmental Protection  
79 Elm St.  
Hartford, CT 06106  
Phone: 860-424-3018  
Fax: 860-424-4074

**B. Conservation District**

Board Chairperson  
Address & Phone of appropriate District:

Northwest Conservation District  
1185 New Litchfield Street  
Torrington, CT 06790  
Ph: 860-626-7222  
Fax: 860-626-7222  
Email: [ncd@conservect.org](mailto:ncd@conservect.org)

Eastern Connecticut Conservation District  
238 West Town Street  
Norwich, CT 06360-2111  
Ph: 860-887-4163 x 400 Fax: 860-887-4082  
Email: [kate.johnson.eccd@comcast.net](mailto:kate.johnson.eccd@comcast.net)

Connecticut River Coastal Conservation District, Inc.  
deKoven House Community Center  
27 Washington Street  
Middletown, CT 06457  
Ph: 860-346-3282 Fax 860-346-3284  
Email: ctrivercoastal@conservect.org

Southwest Conservation District  
51 Mill Pond Road  
Hamden, CT 06514  
Ph: 203-287-8179 Fax: 203-288-5077  
Email: swcd43@sbcglobal.net

North Central Conservation District  
24 Hyde Avenue  
Vernon, CT 06066  
Ph: 860-875-3881 Fax: 860-870-8973  
Email: tollandc@snet.net

**V. EXECUTIVE ORDERS AND ANTI-DISCRIMINATION.** The Districts shall comply with the additional terms and conditions hereto attached as Exhibit 2.

**VI. AMENDMENTS.** Either the DEEP or the Districts may recommend revisions to this Agreement as circumstances may warrant; however, any revisions must be upon mutual agreement of DEEP and all five Conservation Districts. Unless otherwise stated in this Agreement, formal written amendment is required for changes to any of the terms and conditions specifically stated in the Agreement, including Exhibit 2 of the Agreement, any prior amendments to the Agreement, and any other Agreement revisions determined material by the Department.

**VII. SEVERABILITY.** The provisions of this Agreement are severable. If any part of it is found unenforceable, all other provisions shall remain fully valid and enforceable, unless the unenforceable provision is an essential element of the bargain.

**VIII. SOVEREIGN IMMUNITY.** The Parties acknowledge and agree that nothing in the Agreement shall be construed as a modification, compromise or waiver by the State of any rights or defenses of any immunities provided by federal law or the laws of the State of Connecticut to the State or any of the State's, which they may have had, now have or shall have with respect to all matters arising out of the Agreement. To the extent that this section conflicts with any other section, this section shall govern.

**IX. FORUM AND CHOICE OF LAW.** The Agreement shall be deemed to have been made in the City of Hartford, State of Connecticut. Both Parties agree that it is fair and reasonable for the validity and construction of the Agreement to be, and it shall be, governed by the laws and court decisions of the State of Connecticut, without giving effect to its principles of conflicts of laws. To the extent that any immunities provided by federal law or the laws of the State of Connecticut do not bar an action against the State or the Districts, and to the extent that these courts are courts of competent jurisdiction, for the purpose of venue, the complaint shall be made returnable to the Judicial District of Hartford only or shall be brought in the United States District Court for the District of Connecticut only, and shall not be transferred to any other court, provided, however, that nothing here constitutes a waiver or compromise of the sovereign immunity of the State of Connecticut. The Districts waive any objection which they may now have or shall have to the laying of venue of any Claims in any forum and further irrevocably submits to such jurisdiction in any suit, action or proceeding.

**X. TERMINATION.** Notwithstanding any provisions in this Agreement, DEEP, through a duly

authorized employee, may terminate the Agreement whenever the Agency makes a written determination that such Termination is in the best interests of the State. The Agency shall notify the Districts in writing sent by certified mail, return receipt requested, which notice shall specify the effective date of Termination and the extent to which the Districts must complete its Performance under the Agreement prior to such date; or (b) The Districts may terminate the Agreement for good cause. The Districts shall notify DEEP by written notice at least one hundred eighty (180) days prior to the effective date of termination. In order for the Districts to terminate this Agreement, (1) there must be a consensus between all five Conservation Districts that each District shall be terminating this Agreement with the DEEP; (2) such proof of consensus shall be submitted to the DEEP in the form of a letter signed by the duly authorized agent for each District by certified mail, return receipt requested, at least one hundred eighty (180) days prior to the Districts' intention to cancel or terminate. Upon the Termination of this Agreement by either Party, the Districts shall deliver to the Agency copies of all Records no later than thirty (30) days after the Termination of the Agreement, or fifteen (15) days after the Non-terminating Party receives a written request from the Terminating Party for the Records. The Districts shall deliver those Records that exist in electronic, magnetic or other intangible form in a non-proprietary format, such as, but not limited to, PDF, ASCII or .TXT. Upon receipt of a written notice of Termination from the Agency, the Districts shall cease operations as the Agency directs in the notice, and take all actions that are necessary or appropriate, or that the Agency may reasonably direct, for the protection, and preservation of records. Except for any work which the Agency directs the Districts to Perform in the notice prior to the effective date of Termination, and except as otherwise provided in the notice, the Districts shall terminate or conclude all existing subcontracts and purchase orders and shall not enter into any further subcontracts, purchase orders or commitments. Upon Termination of the Agreement, all rights and obligations shall be null and void, so that no Party shall have any further rights or obligations to any other Party, except with respect to the sections which survive Termination. All representations, warranties, agreements and rights of the Parties under the Agreement shall survive such Termination to the extent not otherwise limited in the Agreement and without each one of them having to be specifically mentioned in the Agreement. Termination of the Agreement pursuant to this section shall not be deemed to be a breach of Agreement by the Agency.

**XI. DURATION OF AGREEMENT.** This Agreement shall be effective on July 1, 2013 or on the date of the last signature below, whichever is later, and shall continue in force unless canceled or terminated by either party in accordance with paragraph X above.

**XII. VOID AB INITIO.** Notwithstanding paragraphs X and XI, the Agreement shall be void *ab initio* if the Construction General Permit is reissued, revoked or modified to eliminate the need for the Districts to review the SWPCP pursuant to such general permit's terms and conditions or if the Construction General Permit expires and is not reissued.

**XIII. INTERPRETATION.** The Agreement contains numerous references to statutes and regulations. For purposes of interpretation, conflict resolution and otherwise, the content of those statutes and regulations shall govern over the content of the reference in the Agreement to those statutes and regulations.

**XIV. ENTIRETY OF AGREEMENT.** This Agreement is the entire agreement between the Parties with respect to its subject matter, and supersedes all prior agreements, proposals, offers, counteroffers and understandings of the Parties, whether written or oral. The Agreement has been entered into after full investigation, neither Party relying upon any statement or representation by the other unless such statement or representation is specifically embodied in the Agreement.

**XV. PROTECTION OF STATE CONFIDENTIAL INFORMATION.** (*mandatory language required for all PSAs effective 12/1/11*)

A. The Districts or District Parties, at their own expense, have a duty to and shall protect from a

Confidential Information Breach any and all Confidential Information which they come to possess or control, wherever and however stored or maintained, in a commercially reasonable manner in accordance with current industry standards.

**B.** Each District or District Party shall develop, implement and maintain a comprehensive data-security program for the protection of Confidential Information. The safeguards contained in such program shall be consistent with and comply with the safeguards for protection of Confidential Information, and information of a similar character, as set forth in all applicable federal and state law and written policy of the Department or State concerning the confidentiality of Confidential Information. Such data-security program shall include, but not be limited to, the following:

1. A security policy for employees related to the storage, access and transportation of data containing Confidential Information;
2. Reasonable restrictions on access to records containing Confidential Information, including access to any locked storage where such records are kept;
3. A process for reviewing policies and security measures at least annually;
4. Creating secure access controls to Confidential Information, including but not limited to passwords; and
5. Encrypting of Confidential Information that is stored on laptops, portable devices or being transmitted electronically.

**C.** The District and District Parties shall notify the Department and the Connecticut Office of the Attorney General as soon as practical, but no later than twenty-four (24) hours, after they become aware of or suspect that any Confidential Information which Parties have come to possess or control has been subject to a Confidential Information Breach. If a Confidential Information Breach has occurred, the District shall, within three (3) business days after the notification, present a credit monitoring and protection plan to the Commissioner of Administrative Services, the Department and the Connecticut Office of the Attorney General, for review and approval. Such credit monitoring or protection plan shall be made available by the District at its own cost and expense to all individuals affected by the Confidential Information Breach. Such credit monitoring or protection plan shall include, but is not limited to, reimbursement for the cost of placing and lifting one (1) security freeze per credit file pursuant to Connecticut General Statutes §36a-701a. Such credit monitoring or protection plans shall be approved by the State in accordance with this Section and shall cover a length of time commensurate with the circumstances of the Confidential Information Breach. The District's costs and expenses for the credit monitoring and protection plan shall not be recoverable from the Department, any State of Connecticut entity or any affected individuals.

**D.** The District shall incorporate the requirements of this Section in all subAgreements requiring each District Party to safeguard Confidential Information in the same manner as provided for in this Section.

**E.** Nothing in this Section shall supersede in any manner the District's and/ or the District Parties' obligations pursuant to HIPAA or the provisions of this Agreement concerning the obligations of the District as a Business Associate of the Department.

**XVI. AMERICANS WITH DISABILITIES ACT (*Mandatory*).** The Districts shall be and remain in compliance with the Americans with Disabilities Act of 1990 ("Act"), to the extent applicable, during the term of the Agreement. The DEEP may cancel the Agreement if the District and District Parties fail to comply with the Act.

**XVII. ADA PUBLICATION STATEMENT.** The following statement shall be incorporated into all **publications** prepared under the terms of this Agreement:

“The Department of Energy and Environmental Protection is an affirmative action/equal opportunity employer and service provider. In conformance with the Americans with Disabilities Act, DEEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities who need this information in an alternative format, to allow them to benefit and/or participate in the agency’s programs and services, should call DEEP’s Human Resources Office at (860) 424-3006, send a fax to (860) 424-3896, or email [DEEP.MedRecs@ct.gov](mailto:DEEP.MedRecs@ct.gov). Persons who are hearing impaired should call the State of Connecticut relay number 711.”

When advertising any **public meetings** conducted under the terms of this Agreement, the above publications language should be used as well as the following statement:

**“Requests for accommodations must be made at least two weeks prior to the program date.”**

All **videos** produced under the terms of this Agreement must be made available with closed captioning.

**XVIII. PUBLICATION OF MATERIALS.** The District must obtain written approval from the State of Connecticut prior to distribution or publication of any printed material prepared under the terms of this Agreement. Unless specifically authorized in writing by the State, on a case by case basis, the District shall have no right to use, and shall not use, the name of the State of Connecticut, its officials, agencies, or employees or the seal of the State of Connecticut or its agencies: (1) in any advertising, publicity, promotion; or (2) to express or to imply any endorsement of District’s products or services; or (3) to use the name of the State of Connecticut, its officials agencies, or employees or the seal of the State of Connecticut or its agencies in any other manner (whether or not similar to uses prohibited by (1) and (2) above), except only to manufacture and deliver in accordance with this Agreement such items as are hereby contracted for by the State. In no event may the Districts use the State Seal in any way without the express written consent of the Secretary of State.

**XIX. CHANGES IN PRINCIPAL PROJECT STAFF.** Any changes in the principal project staff must be requested in writing and approved in writing by the Commissioner at the Commissioner’s sole discretion. In the event of any unapproved change in principal project staff, the Commissioner may, in the Commissioner’s sole discretion, terminate this Agreement.

**XX. FURTHER ASSURANCES.** The Parties shall provide such information, execute and deliver any instruments and documents and take such other actions as may be necessary or reasonably requested by the other Party which are not inconsistent with the provisions of this Agreement and which do not involve the vesting of rights or assumption of obligations other than those provided for in the Agreement, in order to give full effect to the Agreement and to carry out the intent of the Agreement.

**XXI. ASSIGNMENT.** The Districts shall not assign any of their rights or obligations under the Agreement, voluntarily or otherwise, in any manner without the prior written consent of the Agency. The Agency may void any purported assignment in violation of this section and declare the District in breach of this Agreement. Any termination by the Agency for a breach is without prejudice to the Agency’s or the State’s rights or possible Claims.

**XXII. EXHIBITS.** All exhibits referred to in, and attached to, this Agreement are incorporated in this Agreement by such reference and shall be deemed to be a part of it as if they had been fully set forth in it.

**XXIII. FORCE MAJEUR.** Events that materially affect the cost of the Goods or Services or the time schedule within which to Perform and are outside the control of the party asserting that such an event has

occurred, including, but not limited to, labor troubles unrelated to District(s), failure of or inadequate permanent power, unavoidable casualties, fire not caused by a District, extraordinary weather conditions, disasters, riots, acts of God, insurrection or war.

**XXIV. INDEMNIFICATION.** The Districts shall indemnify, defend and hold harmless the State and its officers, representatives, agents, servants, employees, successors and assigns from and against any and all (1) Claims arising, directly or indirectly, in connection with the Agreement, including the acts of commission or omission (collectively, the "Acts") of the District or District Parties; and (2) liabilities, damages, losses, costs and expenses, including but not limited to, attorneys' and other professionals' fees, arising, directly or indirectly, in connection with Claims, Acts or the Agreement. The Districts obligations under this section to indemnify, defend and hold harmless against Claims includes Claims concerning confidentiality of any part of or all of the Districts' Records, any intellectual property rights, other proprietary rights of any person or entity, copyrighted or uncopyrighted compositions, secret processes, patented or unpatented inventions, articles or appliances furnished or used in the Performance. The Districts shall not be responsible for indemnifying or holding the State harmless from any liability arising due to the negligence of the State or any other person or entity acting under the direct control or supervision of the State. The Districts shall reimburse the State for any and all damages to the real or personal property of the State caused by the Acts of the Districts or any District Parties. The State shall give the Districts reasonable notice of any such Claims. The Districts shall carry and maintain at all times during the term of the Agreement, and during the time that any provisions survive the term of the Agreement, sufficient general liability insurance to satisfy its obligations under this Agreement. The Districts shall name the State as an additional insured on the policy and shall provide a copy of the policy to the Agency prior to the effective date of the Agreement. The Districts shall not begin Performance until the delivery of the policy to the Agency. The Agency shall be entitled to recover under the insurance policy even if a body of competent jurisdiction determines that the Agency or the State is contributorily negligent. This section shall survive the Termination of the Agreement and shall not be limited by reason of any insurance coverage.

**XXV. DISTRICT PARTIES.** A District's members, directors, officers, shareholders, partners, managers, principal officers, representatives, agents, servants, consultants, employees or any one of them or any other person or entity with whom the District is in privity of oral or written contract and the District intends for such other person or entity to Perform under the Agreement in any capacity

**XXVI. CAMPAIGN CONTRIBUTION RESTRICTION.** For all State contracts as defined in P.A. 07-1 having a value in a calendar year of \$50,000 or more or a combination or series of such agreements or contracts having a value of \$100,000 or more, the authorized signatory to this Agreement expressly acknowledges receipt of the State Elections Enforcement Commission's notice advising state contractors of state campaign contribution and solicitation prohibitions, and will inform its principals of the contents of the notice. See SEEC Form 11.

**Authorizing Signatures**

For DEEP: [Signature] 8/21/13  
Commissioner Date

For Northwest Conservation District: [Signature] 6/5/13  
Signature Date

Chairman  
Title

For Eastern Connecticut Conservation District: [Signature] 6/12/13  
Signature Date

Chair  
Title

For Connecticut River Coastal Conservation District, Inc.: [Signature] 5/22/13  
Signature Date

Chair  
Title

For Southwest Conservation District: [Signature] 5/13/13  
Signature Date

Vice-chairperson SWCD  
Title

For North Central Conservation District: [Signature] 5/23/13  
Signature Date

Chairman  
Title

EXHIBIT 1

**Connecticut Conservation District  
Stormwater Pollution Control Plan Review Fee Schedule**

**Single Family Residential Developments Disturbing 5 or more Acres**

Number of Lots	Standard Fee	Number of Lots	Standard Fee
1	\$1,500	26	\$5,625
2	\$1,665	27	\$5,790
3	\$1,830	28	\$5,955
4	\$1,995	29	\$6,120
5	\$2,160	30	\$6,285
6	\$2,325	31	\$6,450
7	\$2,490	32	\$6,615
8	\$2,655	33	\$6,780
9	\$2,820	34	\$6,945
10	\$2,985	35	\$7,110
11	\$3,150	36	\$7,275
12	\$3,315	37	\$7,440
13	\$3,480	38	\$7,605
14	\$3,645	39	\$7,770
15	\$3,810	40	\$7,935
16	\$3,975	41	\$8,100
17	\$4,140	42	\$8,265
18	\$4,305	43	\$8,430
19	\$4,470	44	\$8,595
20	\$4,635	45	\$8,760
21	\$4,800	46	\$8,925
22	\$4,965	47	\$9,090
23	\$5,130	48	\$9,255
24	\$5,295	49	\$9,420
25	\$5,460	50	\$9,585

**Over 50 lots:**

\$9,585 + \$20 x number of lots over 50

**SW PCP Review:** Standard Fee (as shown above)

**Resubmission:** Standard Fee minus 50%

**Post-Approval Resubmission:** \$85 per hour, up to a maximum of the Standard Fee minus 50%

**Express Reviews:** The specified fee for an SW PCP Review, a Resubmission, or a Post-Approval Resubmission; plus 50% of the applicable fee and/or limit

**Policies:**

1. Payment due upon submission of SW PCP, with the exception of Post-Approval Resubmissions.
2. Payment for Post-Approval Resubmission review is due upon completion of review.
3. Written permission to enter onto and inspect the site: Due upon submission of SW PCP.

EXHIBIT 1

**Connecticut Conservation District  
Stormwater Pollution Control Plan Review Fee Schedule**

**Commercial and Multi Family Developments**

Number of Disturbed Standard Acres Fee		Number of Disturbed Standard Acres Fee	
5	\$2,200	28	\$5,995
6	\$2,365	29	\$6,160
7	\$2,530	30	\$6,325
8	\$2,695	31	\$6,490
9	\$2,860	32	\$6,655
10	\$3,025	33	\$6,820
11	\$3,190	34	\$6,985
12	\$3,355	35	\$7,150
13	\$3,520	36	\$7,315
14	\$3,685	37	\$7,480
15	\$3,850	38	\$7,645
16	\$4,015	39	\$7,810
17	\$4,180	40	\$7,975
18	\$4,345	41	\$8,140
19	\$4,510	42	\$8,305
20	\$4,675	43	\$8,470
21	\$4,840	44	\$8,635
22	\$5,005	45	\$8,800
23	\$5,170	46	\$8,965
24	\$5,335	47	\$9,130
25	\$5,500	48	\$9,295
26	\$5,665	49	\$9,460
27	\$5,830	50	\$9,625

**Over 50 acres:**

\$9,625 + \$25 x number of disturbed acres over 50

**SW PCP Review:** Standard Fee (as shown above)

**Resubmission:** Standard Fee minus 50%

**Post-Approval Resubmission:** \$85 per hour, up to a maximum of the Standard Fee minus 50%

**Express Reviews:** The specified fee for an SW PCP Review, a Resubmission, or a Post-Approval Resubmission; plus 50% of the applicable fee and/or limit

**Policies:**

1. Payment due upon submission of SW PCP, with the exception of Post-Approval Resubmissions.
2. Payment for Post-Approval Resubmission review is due upon completion of review.
3. Written permission to enter onto and inspect the site: Due upon submission of SW PCP.

## EXHIBIT 2

### EXECUTIVE ORDERS

The Agreement is subject to the provisions of Executive Order No. Three of Governor Thomas J. Meskill, promulgated June 16, 1971, concerning labor employment practices, Executive Order No. Seventeen of Governor Thomas J. Meskill, promulgated February 15, 1973, concerning the listing of employment openings and Executive Order No. Sixteen of Governor John G. Rowland promulgated August 4, 1999, concerning violence in the workplace, all of which are incorporated into and are made a part of the Contract as if they had been fully set forth in it. At the Districts' request, the Client Agency shall provide a copy of these orders to the Districts. The Agreement may also be subject to Executive Order No. 7C of Governor M. Jodi Rell, promulgated July 13, 2006, concerning contracting reforms and Executive Order No. 14 of Governor M. Jodi Rell, promulgated April 17, 2006, concerning procurement of cleaning products and services, in accordance with their respective terms and conditions.

### NONDISCRIMINATION

(a) For purposes of this Section, the following terms are defined as follows:

- i. "Commission" means the Commission on Human Rights and Opportunities;
- ii. "Contract" and "contract" include any extension or modification of this Agreement or contract;
- iii. "Districts" and "districts" include the Districts and any successors or assigns of the Districts or districts;
- iv. "Gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.
- v. "good faith" means that degree of diligence which a reasonable person would exercise in the performance of legal duties and obligations;
- vi. "good faith efforts" shall include, but not be limited to, those reasonable initial efforts necessary to comply with statutory or regulatory requirements and additional or substituted efforts when it is determined that such initial efforts will not be sufficient to comply with such requirements;
- vii. "marital status" means being single, married as recognized by the State of Connecticut, widowed, separated or divorced;
- viii. "mental disability" means one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", or a record of or regarding a person as having one or more such disorders;
- ix. "minority business enterprise" means any small contractor, District or supplier of materials fifty-one percent or more of the capital stock, if any, or assets of which is owned by a person or persons: (1) who are active in the daily affairs of the enterprise, (2) who have the power to direct the management and policies of the enterprise, and (3) who are members of a minority, as such term is defined in subsection (a) of Connecticut General Statutes § 32-9n; and
- x. "public works contract" means any agreement between any individual, firm or corporation and the State or any political subdivision of the State other than a municipality for construction, rehabilitation, conversion, extension, demolition or repair of a public building, highway or other changes or improvements in real property, or which is financed in whole or in part by the State, including, but not limited to, matching expenditures, grants, loans, insurance or guarantees.

For purposes of this Section, the terms "Contract" and "contract" do not include a contract where each District is (1) a political subdivision of the state, including, but not limited to, a municipality, (2) a quasi-public agency, as defined in Conn. Gen. Stat. Section 1-120, (3) any other state, including but not limited to any federally recognized Indian tribal governments, as defined in Conn. Gen. Stat. Section 1-267, (4) the federal government, (5) a foreign government, or (6) an agency of a subdivision, agency, state or government described in the immediately preceding enumerated items (1), (2), (3), (4) or (5).

(b) (1) The Districts agree and warrant that in the performance of the Agreement such Districts will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, mental retardation, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such Districts that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the State of Connecticut; and the Districts further agree to take affirmative action to insure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, mental retardation, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by the Districts that such disability prevents performance of the work involved; (2) the Districts agree, in all solicitations or advertisements for employees placed by or on behalf of the Districts, to state that it is

an "affirmative action-equal opportunity employer" in accordance with regulations adopted by the Commission; (3) the Districts agree to provide each labor union or representative of workers with which the Districts have a collective bargaining Agreement or other contract or understanding and each vendor with which the Districts have a contract or understanding, a notice to be provided by the Commission, advising the labor union or workers' representative of the Districts' commitments under this section and to post copies of the notice in conspicuous places available to employees and applicants for employment; (4) the Districts agree to comply with each provision of this Section and Connecticut General Statutes §§ 46a-68e and 46a-68f and with each regulation or relevant order issued by said Commission pursuant to Connecticut General Statutes §§ 46a-56, 46a-68e and 46a-68f; and (5) the Districts agree to provide the Commission on Human Rights and Opportunities with such information requested by the Commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the Districts as relate to the provisions of this Section and Connecticut General Statutes § 46a-56. If the contract is a public works contract, the Districts agree and warrant that they will make good faith efforts to employ minority business enterprises as Districts and suppliers of materials on such public works projects.

(c) Determination of the Districts' good faith efforts shall include, but shall not be limited to, the following factors: The Districts' employment and subcontracting policies, patterns and practices; affirmative advertising, recruitment and training; technical assistance activities and such other reasonable activities or efforts as the Commission may prescribe that are designed to ensure the participation of minority business enterprises in public works projects.

(d) The Districts shall develop and maintain adequate documentation, in a manner prescribed by the Commission, of its good faith efforts.

(e) The Districts shall include the provisions of subsection (b) of this Section in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the State and such provisions shall be binding on the Districts, vendor or manufacturer unless exempted by regulations or orders of the Commission. The Districts shall take such action with respect to any such subcontract or purchase order as the Commission may direct as a means of enforcing such provisions including sanctions for noncompliance in accordance with Connecticut General Statutes §46a-56; provided if such Districts become involved in, or is threatened with, litigation with the Districts or vendor as a result of such direction by the Commission, the Districts may request the State of Connecticut to enter into any such litigation or negotiation prior thereto to protect the interests of the State and the State may so enter.

(f) The Districts agree to comply with the regulations referred to in this Section as they exist on the date of this Agreement and as they may be adopted or amended from time to time during the term of this Agreement and any amendments thereto.

(g) (1) The Districts agree and warrant that in the performance of the Agreement such Districts will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or the State of Connecticut, and that employees are treated when employed without regard to their sexual orientation; (2) the Districts agree to provide each labor union or representative of workers with which such Districts have a collective bargaining Agreement or other contract or understanding and each vendor with which such Districts have a contract or understanding, a notice to be provided by the Commission on Human Rights and Opportunities advising the labor union or workers' representative of the Districts' commitments under this section, and to post copies of the notice in conspicuous places available to employees and applicants for employment; (3) the Districts agree to comply with each provision of this section and with each regulation or relevant order issued by said Commission pursuant to Connecticut General Statutes § 46a-56; and (4) the Districts agree to provide the Commission on Human Rights and Opportunities with such information requested by the Commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the Districts which relate to the provisions of this Section and Connecticut General Statutes § 46a-56.

(h) The Districts shall include the provisions of the foregoing paragraph in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the State and such provisions shall be binding on the Districts, vendor or manufacturer unless exempted by regulations or orders of the Commission. The Districts shall take such action with respect to any such subcontract or purchase order as the Commission may direct as a means of enforcing such provisions including sanctions for noncompliance in accordance with Connecticut General Statutes § 46a-56; provided, if such Districts become involved in, or is threatened with, litigation with the Districts or vendor as a result of such direction by the Commission, the Districts may request the State of Connecticut to enter into any such litigation or negotiation prior thereto to the Connecticut Department of Energy and Environmental Protection (DEEP)."

*Note: Place on official Letterhead. Need to document registered name with CT Secretary of State C.O.N.C.O.R.D.*

## **CERTIFICATION**

I, **XXXXXXXXXXXXXXXXXX**, Chair of the **XXXXXXXXXXXXXXXXXX** an entity lawfully organized and existing under the laws of Connecticut, do hereby certify that the following is a true and correct copy of a resolution adopted on the **>>>>**day of **>>>>**, 2011, by the governing body of the **XXXXXX** in accordance with all of its documents of governance and management and the laws of Connecticut and further certify that such resolution has not been modified, rescinded or revoked, and is a present in full force and effect.

RESOLVED: That the **XXXXXXXXXXXXXXXXXX** hereby adopts as its policy to support the nondiscrimination agreements and warranties required under Conn. Gen. Stat. § 4a-60(a)(1) and § 4a-60a(a)(1), as amended in State of Connecticut Public Act 07-245 and sections 9(a)(1) and 10(a)(1) of Public Act 07-142, as those statutes may be amended from time to time.

**IN WITNESS WHEREOF, the undersigned has executed this certificate **this >>>>**day of **>>>>**, 2013.**

---

Signature

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Date

## CONSERVATION DISTRICT PLAN REVIEW CERTIFICATION

Registrations submitted to DEEP for which a Conservation District has performed the Plan review pursuant to Section 3(b)(10) of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities shall include the following certification:

"I hereby certify that I am an employee of the [INSERT NAME OF DISTRICT] Conservation District and that I meet the qualifications to review Stormwater Pollution Control Plans as specified in the Memorandum of Agreement between the Connecticut Department of Energy & Environmental Protection and the Connecticut Conservation Districts. I am making this certification in connection with a registration under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY]. I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I certify, based on my review of the requirements of such general permit and on the standard of care for such projects, that the Plan is in compliance with the requirements of the general permit. I understand that knowingly making any false statement in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the Connecticut General Statutes and any other applicable law."

Registrations submitted to DEEP for which the District review was begun but ***could not be completed*** within the time limits specified in the Memorandum of Agreement shall include the following statement:

"I hereby certify that I am an employee of the [INSERT NAME OF DISTRICT] Conservation District and that I meet the qualifications to review Stormwater Pollution Control Plans as specified in the Memorandum of Agreement between the Connecticut Department of Energy & Environmental Protection and the Connecticut Conservation Districts. I am making this statement in connection with a registration under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY]. I hereby state that the review of the Stormwater Pollution Control Plan (Plan) for such registration was not completed within the time frames specified in the Memorandum of Agreement. Consequently, I cannot certify that the Plan is in compliance with the requirements of the general permit."



# General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities

## APPENDIX G

### Historic Preservation Review

Pursuant to Chapter 184a, Section 10-387 of the Connecticut General Statutes, the Department of Energy & Environmental Protection (DEEP) shall review, in consultation with the Connecticut Commission on Culture and Tourism, its policies and practices for consistency with the preservation and study of CT's archaeological and historical sites. Pursuant to this requirement, DEEP has outlined the following process for assessing the potential for and the presence of historic and/or archaeological resources at a proposed development site. DEEP advises a review for the resources identified below *be initiated up to one year* prior to registration for this permit (*or prior to property purchase if possible*) and in conjunction with the local project approval process. However, a review conducted for an Army Corps of Engineers Section 404 wetland permit would meet this requirement.

**Step 1:** Determine if the proposed site is within an area of significance by consulting the following resources:

1. CT Register of Historic Places found at the link below:  
<http://www.nationalregisterofhistoricplaces.com/CT/state.html#pickem>
2. The municipality of the proposed development site for its designations of local historic districts, including but not limited to, local Historic District and/or Property Statutes.

**Step 2:** Assess site characteristics to determine the presence of a potential archaeological site, sacred site, and/ or sacred object as described below:

Definitions:

1. "Archaeological site" means a location where there exists material evidence that is not less than fifty years old of the past life and culture of human beings in the state.
2. "Sacred site" or "sacred land" means any space, including an archaeological site, of ritual or traditional significance in the culture and religion of Native Americans that is listed or eligible for listing on the National Register of Historic Places (16 USC 470a, as amended) or the state register of historic places defined in section 10-410, including, but not limited to, marked and unmarked human burials, burial areas and cemeteries, monumental geological or natural features with sacred meaning or a meaning central to a group's oral traditions; sites of ceremonial structures, including sweat lodges; rock art sites, and sites of great historical significance to a tribe native to this state.
3. "Sacred object" means any archaeological artifact or other object associated with a sacred site.

Site Prescreening Criteria:

1. Does the proposed development site include lands within 300 feet of surface water features, such as streams, brooks, lakes, or marshes?

*If "yes", proceed to Criterion 2. If the answer to Criterion 1 is "no", then there is a low potential for prehistoric period archaeological resources - Proceed to Criterion 3.*

2. Does the area of anticipated construction or ground disturbance include soils classified by the Natural Resource Conservation Service as "Sandy Loam/ Loamy sand" or "Sandy Gravel Loam" not including "Fine Sandy Loam/ Loamy sand" with slopes less than or equal to 15%? (Soil mapping information is available for free from:  
<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>)

*If the answer to Criterion 2 is no, then there is a low potential for prehistoric period archaeological resources - Proceed to Criterion 3. If yes, the project site may contain significant prehistoric period archaeological resources*

– assess all other criteria and proceed to Step 3.

3. Are there buildings or structures over 150 years in age with the project site?

*If no, proceed to Criterion 4. If yes, the project site may contain significant historic period archaeological resources – assess all other criteria and proceed to Step 3.*

4. Are there buildings or structures shown within or immediately adjacent to the project site on the 1850's Connecticut County maps?

Historic County maps are here:

Fairfield - <http://www.flickr.com/photos/uconnlibrariesmagic/3387034755/>

Hartford - <http://www.flickr.com/photos/uconnlibrariesmagic/3386955421/>

Litchfield - <http://www.flickr.com/photos/uconnlibrariesmagic/3387765290/>

Middlesex - <http://www.flickr.com/photos/uconnlibrariesmagic/3386956185/>

New Haven - <http://www.flickr.com/photos/uconnlibrariesmagic/3386956345/>

New London - <http://www.flickr.com/photos/uconnlibrariesmagic/3387766080/>

Tolland - <http://www.flickr.com/photos/uconnlibrariesmagic/3386957013/>

Windham - <http://www.flickr.com/photos/uconnlibrariesmagic/3387766950/>

To look for buildings and structures click on the appropriate county map link. From the “Actions” drop-down menu choose “View all sizes”. On the “Photo/All sizes” page, choose “Original” to view the county map at an enlarged scale.

*If no, there is a low potential for significant historic period archaeological resources. If yes, the site may contain significant historic period archaeological resources- assess all other criteria and proceed to Step 3.*

**Step 3:** If you answered yes to Criterion 2, 3, or 4, please contact Daniel Forrest (860-256-2761 or [daniel.forrest@ct.gov](mailto:daniel.forrest@ct.gov)) or the current environmental review coordinator at the State Historic Preservation Office, Department of Economic and Community Development for additional guidance.

**Step 4:** Report in the Registration Form for the General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities that a review has been conducted and the results of the review (i.e. the proposed site does not have the potential for historic/ archaeological resources, or that such potential exists and is being or has been reviewed by the Connecticut Commission on Culture and Tourism).

*Please note that DEEP will refer all proposed sites with a historic/ archaeological resource potential (as identified in Steps 1 & 2 above) to the State Historic Preservation Office at the Department of Economic and Community Development..*

## **Appendix H**

### **Wild & Scenic Rivers Guidance**

#### **Overview: Wild and Scenic Rivers Act**

The Wild and Scenic Rivers Act (WSRA) charges administration of rivers in the National Wild and Scenic Rivers System (National System) to four federal land management agencies (Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, and U.S. Forest Service). However, to protect and enhance river values as directed in the WSRA, it is essential to use the authorities of a number of other federal agencies in administering the water column, river bed/bank, and upland river corridor.

Congress declared a policy to protect selected rivers in the nation through the WSRA. The river-administering agencies are to protect the river's identified values, free-flowing condition, and associated water quality. Specifically, each component is to be "administered in such manner as to protect and enhance the (outstandingly remarkable) values (**ORVs**) which caused it to be included in said system. . . ."

The WSRA also directs other federal agencies to protect river values. It explicitly recognizes the Federal Energy Regulatory Commission, Environmental Protection Agency, Army Corps of Engineers and any other federal department or agency with lands on or adjacent to designated (or congressionally authorized study) rivers or that permit or assist in the construction of water resources projects.

#### **Pertinent Sections of the Wild and Scenic Rivers Act**

The full Wild and Scenic Rivers Act can be found at the website: [www.rivers.gov](http://www.rivers.gov)

Pertinent Sections related to the mandate to protect river values through coordinated federal actions is found in several sections of the WSRA:

Section 1(b)	Section 7(a)	Section 10(a)
Section 12(a)	Section 12(c)	

#### **Designated Rivers under the Wild and Scenic Rivers Act and Contact Information**

The full listing of designated rivers can be found on the website [www.rivers.gov](http://www.rivers.gov)

As of the date of this publication, there are two designated rivers in Connecticut, both of which are managed under the Partnership Wild and Scenic Rivers Program, through a Coordinating Committee consisting of representatives from local communities and organizations, state government and the National Park Service. More information about these rivers, their watersheds, approved management plans, the Wild and Scenic Coordinating Committees and specific contact information can be found on the websites.

1. West Branch of the Farmington River: [www.farmingtonriver.org](http://www.farmingtonriver.org)
2. Eightmile River: [www.eightmileriver.org](http://www.eightmileriver.org)

## Appendix B

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### Identification of Contractor and Certification Statements





**THE UNITED ILLUMINATING COMPANY  
MILVON-DEVON**

**GENERAL CONTRACTOR**

“I certify under penalty of law that I have read and understand the terms and conditions of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. I understand that as a contractor at the site, I am authorized by this general permit, and must comply with the terms and conditions of this general permit, including, but not limited to, the requirements of the Stormwater Pollution Control Plan prepared for the site.”

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**THE UNITED ILLUMINATING COMPANY  
MILVON-DEVON**

**SUBCONTRACTOR**

“I certify under penalty of law that I have read and understand the terms and conditions of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. I understand that as a subcontractor at the site, I am authorized by this general permit, and must comply with the terms and conditions of this general permit, including, but not limited to, the requirements of the Stormwater Pollution Control Plan prepared for the site.”

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Appendix C

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### Construction Drawings



**PLAN SET MAP REFERENCE**

"MILVON-DEVON RR TIE 115KV TRANSMISSION LINE 88005A-2 AND 89005B-2 GENERAL ACCESS PLANS; DRAWING NO. 14219-0801-0807 AND DRAWING NO. 14220-0801-0807; CREATED BY BLACK & VEATCH; DATED 4/7/2014

**GENERAL NOTES:**

1. CONTRACTOR TO ADJUST EROSION & SEDIMENT CONTROLS PER ACTUAL FIELD CONDITIONS.
2. "VEGETATION CLEARANCE" REFERS TO THE CLEARING OF VEGETATION THAT POSES AERIAL IMPACT TO THE UTILITY BUT DOES NOT INCLUDE GRUBBING. THE UTILITY COMPANY FOLLOWS A TRANSMISSION VEGETATION MAINTENANCE PLAN (TVMP).
3. HAYBALES TO BE USED ALONG WORK PADS WHERE SILT FENCING IS NOT FEASIBLE.

**SHEET NUMBER REFERENCE CHART**

<u>BLACK &amp; VEATCH SHEET NO.</u>	<u>FUSS &amp; O'NEILL CORRESPONDING SHEET NO.</u>
14219-0801	CE-0801
14219-0802	CE-0802
14219-0803	CE-0803
14219-0804	CE-0804
14219-0805	CE-0805
14219-0806	CE-0806
14219-0807	CE-0807
14220-0801	CE-0808
14220-0802	CE-0809
14220-0803	CE-0810
14220-0804	CE-0811
14220-0805	CE-0812
14220-0806	CE-0813
14220-0807	CE-0814

**BLACK & VEATCH CONSTRUCTION PLANS LEGEND**

**LEGEND:**

 ALL CONSTRUCTION TRAFFIC	 WATERCOURSE	 FEMA SPECIAL FLOOD HAZARD AREAS
 TOWN LINE	 LIMIT OF WETLANDS	 NATURAL DIVERSITY DATABASE (NDDb) AREA
 UI PROPERTY LINE	 FEMA 100 YEAR	 EXISTING ACCESS ROAD
 PROPERTY LINE	 WETLANDS/MARSH	 CONSTRUCTION AREA
 RAILROAD EDGE OF RIGHT-OF-WAY	 EXISTING STRUCTURE	 OCCUPATION AREA
 EASEMENT	 PROPOSED STRUCTURE	 VEGETATION CLEARANCE
		 WETLAND IMPACT AREA

**FUSS & O'NEILL EROSION AND SEDIMENTATION CONTROL PLANS LEGEND**

 SF	PROPOSED SILT FENCE
	PROPOSED HAYBALE BARRIER
	PROPOSED CONCRETE WASHOUT
	PROPOSED OUTFALL / SAMPLING LOCATION

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**The United Illuminating Company**

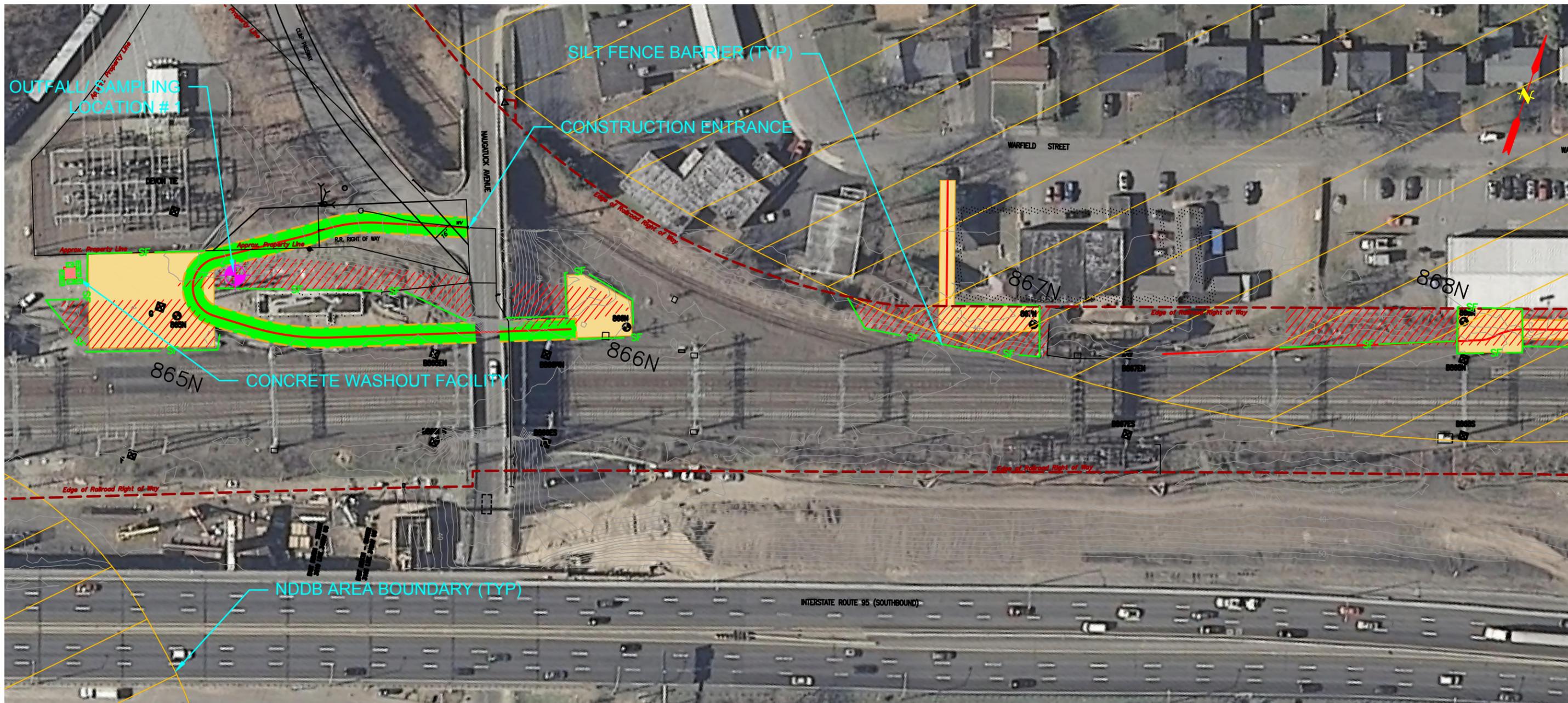
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**FUSS & O'NEILL**  
 56 QUARRY ROAD  
 TRUMBULL, CONNECTICUT 06611  
 203.374.3748  
 www.fando.com

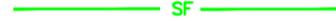
THE UNITED ILLUMINATING COMPANY  
 EROSION AND SEDIMENTATION CONTROL  
 LEGEND AND NOTES PLAN  
 MILVON-DEVON RAILROAD  
 MILFORD CONNECTICUT

PROJ. No.: 20130922 B10  
 DATE: AUGUST 2014  
**CE-100**



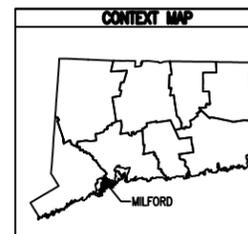
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**LEGEND**

-  PROPOSED SILT FENCE
-  PROPOSED HAYBALE BARRIER
-  PROPOSED CONCRETE WASHOUT
-  PROPOSED OUTFALL / SAMPLING LOCATION

**MAP REFERENCE**

"MILVON-DEVON TIE 115KV TRANSMISSION LINE 88005A-2 GENERAL ACCESS PLAN"; DRAWING NO. 14219-0801; CREATED BY BLACK & VEATCH; DATED 4/7/2014



No.	DATE	DESCRIPTION	DESIGNER	REVIEWER
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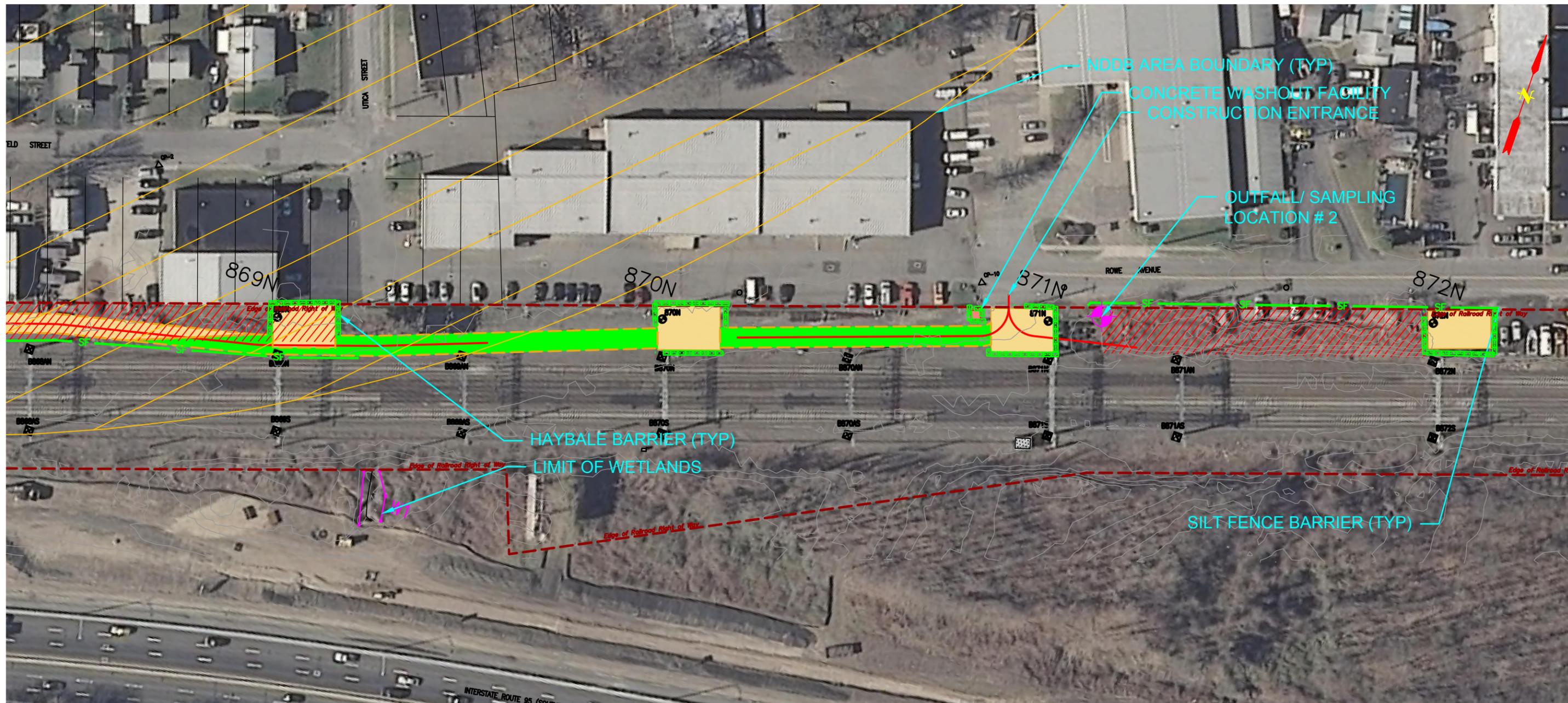
THE UNITED ILLUMINATING COMPANY  
 EROSION AND SEDIMENTATION CONTROL PLAN  
 88005A-2  
 MILVON-DEVON RAILROAD

MILFORD

CONNECTICUT

PROJ. No.: 20130926 B10  
 DATE: AUGUST 2014

CE-0801

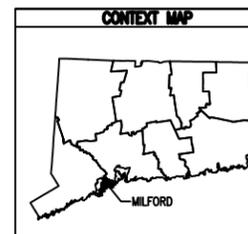


**LEGEND**

-  PROPOSED SILT FENCE
-  PROPOSED HAYBALE BARRIER
-  PROPOSED CONCRETE WASHOUT
-  PROPOSED OUTFALL / SAMPLING LOCATION

**MAP REFERENCE**

"MILVON-DEVON TIE 115KV TRANSMISSION LINE 88005A-2 GENERAL ACCESS PLAN"; DRAWING NO. 14219-0802; CREATED BY BLACK & VEATCH; DATED 4/7/2014



No.	DATE	DESCRIPTION	DESIGNER	REVIEWER
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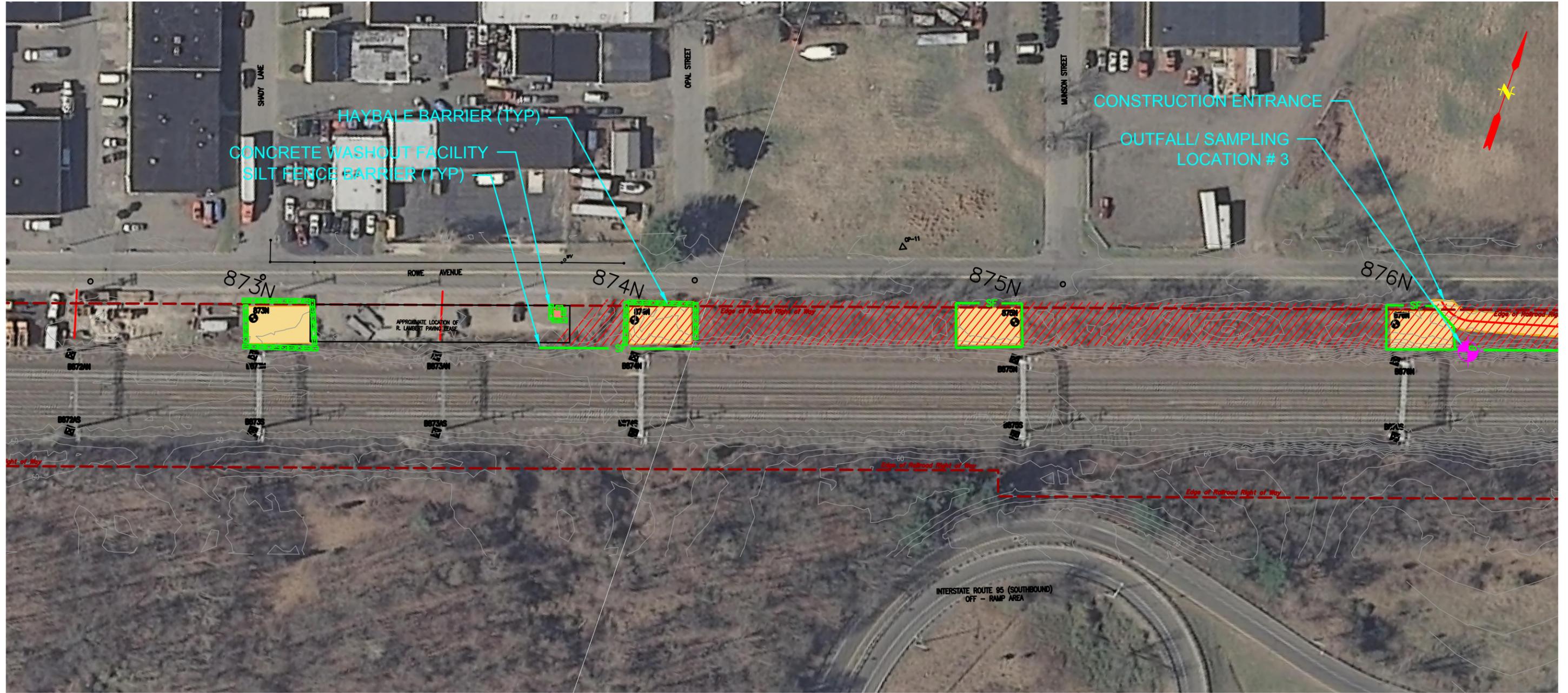
THE UNITED ILLUMINATING COMPANY  
 EROSION AND SEDIMENTATION CONTROL PLAN  
 88005A-2  
 MILVON-DEVON RAILROAD

MILFORD

CONNECTICUT

PROJ. No.: 20130982 B10  
 DATE: AUGUST 2014

CE-0802

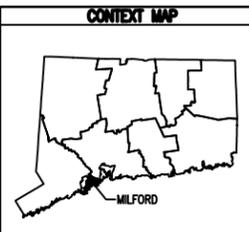


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**LEGEND**

-  PROPOSED SILT FENCE
-  PROPOSED HAYBALE BARRIER
-  PROPOSED CONCRETE WASHOUT
-  PROPOSED OUTFALL / SAMPLING LOCATION

**MAP REFERENCE**  
 "MILVON-DEVON TIE 115KV TRANSMISSION LINE 88005A-2 GENERAL ACCESS PLAN"; DRAWING NO. 14219-0803; CREATED BY BLACK & VEATCH; DATED 4/7/2014



No.	DATE	DESCRIPTION	DESIGNER	REVIEWER
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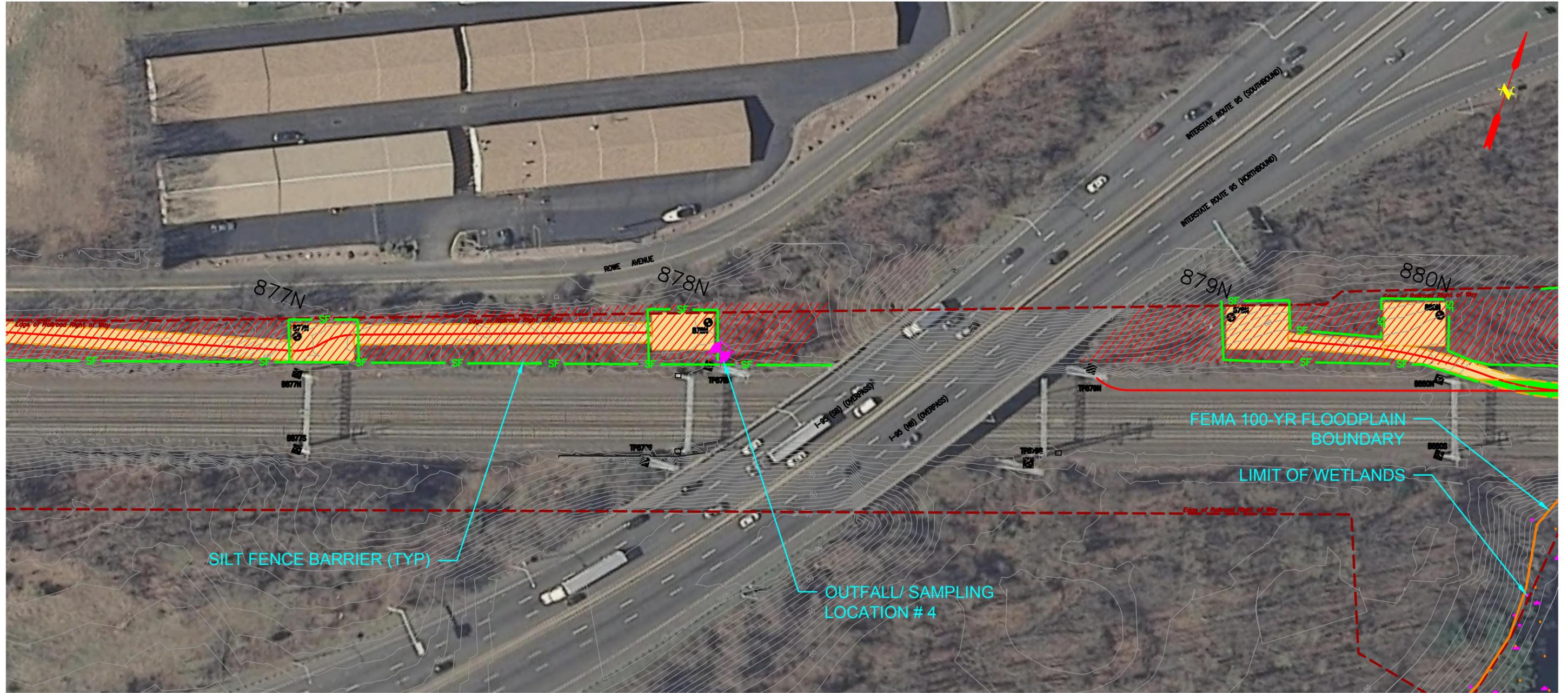
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GRAPHIC SCALE



THE UNITED ILLUMINATING COMPANY  
 EROSION AND SEDIMENTATION CONTROL PLAN  
 88005A-2  
 MILVON-DEVON RAILROAD  
 MILFORD CONNECTICUT

PROJ. No.: 20130926 B10  
 DATE: AUGUST 2014  
**CE-0803**



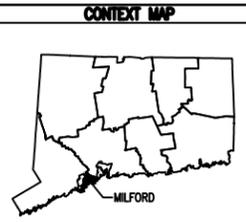
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 LAYER STATE:

**LEGEND**

-  PROPOSED SILT FENCE
-  PROPOSED HAYBALE BARRIER
-  PROPOSED CONCRETE WASHOUT
-  PROPOSED OUTFALL / SAMPLING LOCATION

**MAP REFERENCE**

"MILVON-DEVON TIE 115KV TRANSMISSION LINE 88005A-2 GENERAL ACCESS PLAN"; DRAWING NO. 14219-0804; CREATED BY BLACK & VEATCH; DATED 4/7/2014



No.	DATE	DESCRIPTION	DESIGNER	REVIEWER
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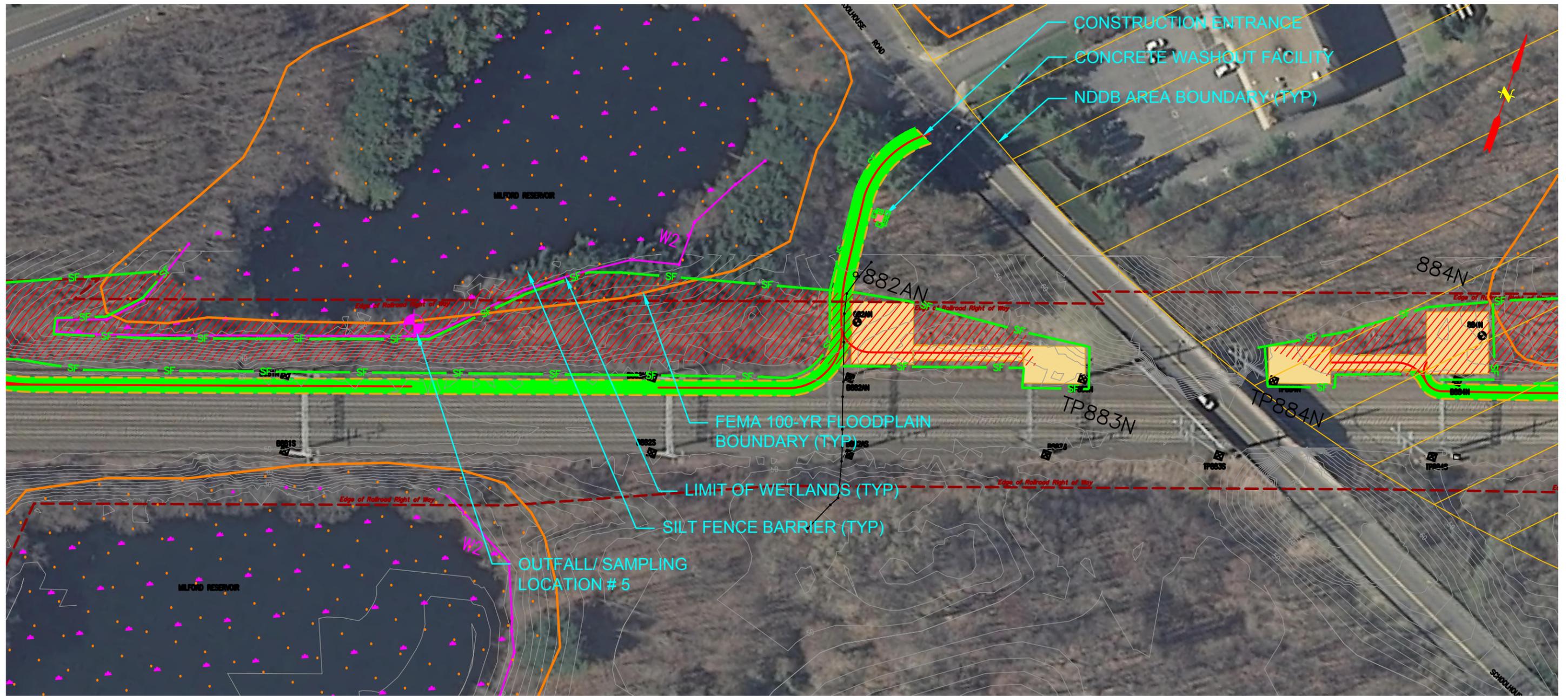


THE UNITED ILLUMINATING COMPANY  
 EROSION AND SEDIMENTATION CONTROL PLAN  
 88005A-2  
 MILVON-DEVON RAILROAD  
 CONNECTICUT

PROJ. No.: 20130922.B10  
 DATE: AUGUST 2014

**CE-0804**

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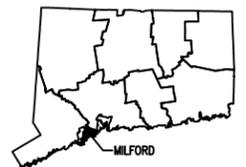
**LEGEND**

-  PROPOSED SILT FENCE
-  PROPOSED HAYBALE BARRIER
-  PROPOSED CONCRETE WASHOUT
-  PROPOSED OUTFALL / SAMPLING LOCATION

**MAP REFERENCE**

"MILVON-DEVON TIE 115KV TRANSMISSION LINE 88005A-2 GENERAL ACCESS PLAN"; DRAWING NO. 14219-0805; CREATED BY BLACK & VEATCH; DATED 4/7/2014

**CONTEXT MAP**



No.	DATE	DESCRIPTION	DESIGNER	REVIEWER
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THE UNITED ILLUMINATING COMPANY  
 EROSION AND SEDIMENTATION CONTROL PLAN  
 88005A-2  
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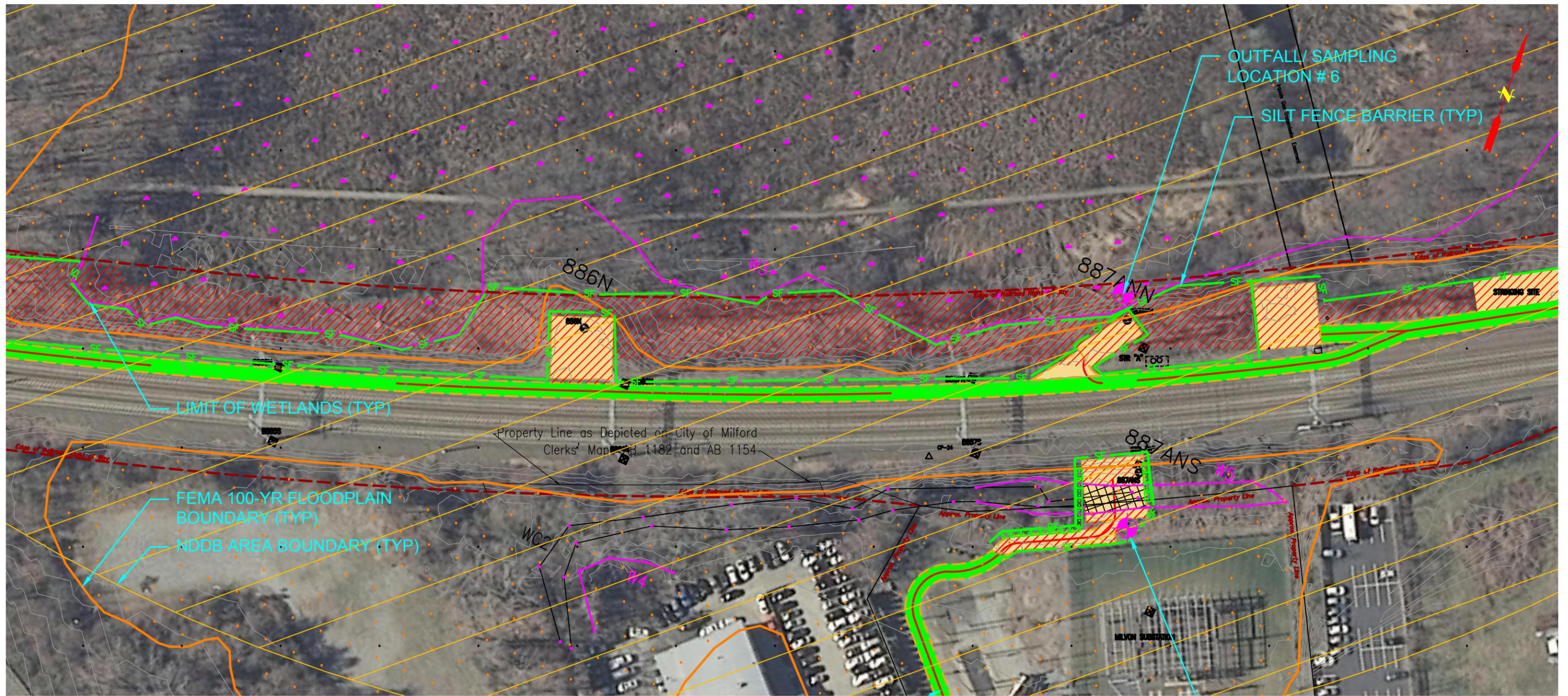
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CONNECTICUT

PROJ. No.: 20130926 B10  
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**CE-0805**

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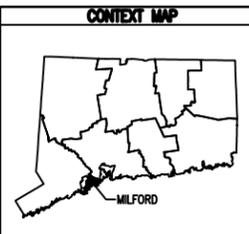
**LEGEND**

-  PROPOSED SILT FENCE
-  PROPOSED HAYBALE BARRIER
-  PROPOSED CONCRETE WASHOUT
-  PROPOSED OUTFALL / SAMPLING LOCATION

CONSTRUCTION ENTRANCE  
FROM BRIDGEPORT AVE

**MAP REFERENCE**

"MILVON-DEVON TIE 115KV TRANSMISSION LINE 88005A-2 GENERAL ACCESS PLAN"; DRAWING NO. 14219-0806; CREATED BY BLACK & VEATCH; DATED 4/7/2014



No.	DATE	DESCRIPTION	DESIGNER	REVIEWER
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THE UNITED ILLUMINATING COMPANY  
 EROSION AND SEDIMENTATION CONTROL PLAN  
 88005A-2  
 MILVON-DEVON RAILROAD

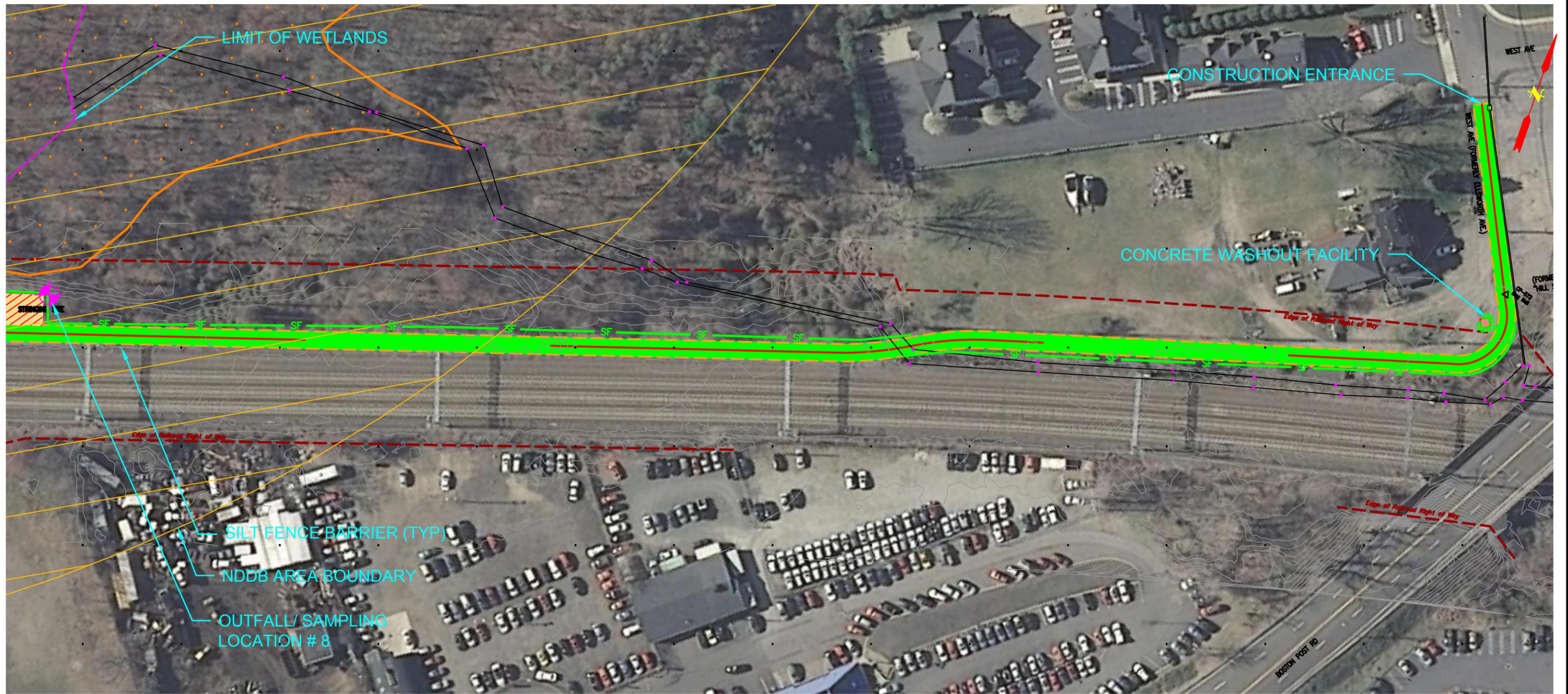
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CONNECTICUT

PROJ. No.: 20130922.B10  
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CE-0806

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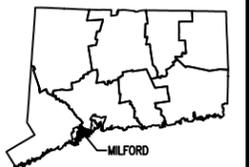
**LEGEND**

-  PROPOSED SILT FENCE
-  PROPOSED HAYBALE BARRIER
-  PROPOSED CONCRETE WASHOUT
-  PROPOSED OUTFALL / SAMPLING LOCATION

**MAP REFERENCE**

"MILVON-DEVON TIE 115KV TRANSMISSION LINE 88005A-2 GENERAL ACCESS PLAN"; DRAWING NO. 14219-0807; CREATED BY BLACK & VEATCH; DATED 4/7/2014

**CONTEXT MAP**



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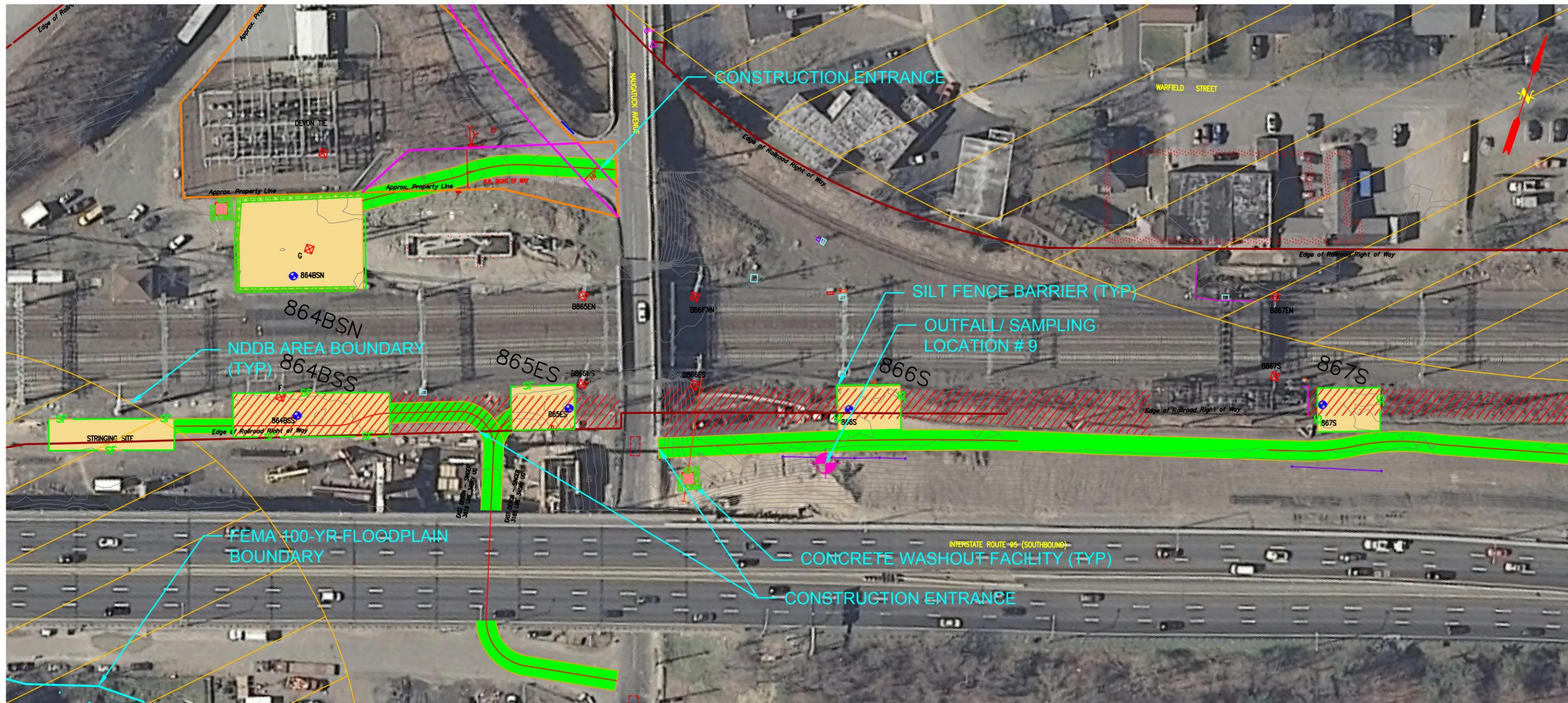


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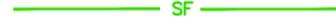


THE UNITED ILLUMINATING COMPANY  
 EROSION AND SEDIMENTATION CONTROL PLAN  
 88005A-2  
 MILVON-DEVON RAILROAD  
 MILFORD CONNECTICUT

PROJ. No.: 20130926 B10
DATE: AUGUST 2014
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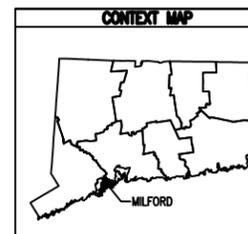


**LEGEND**

-  PROPOSED SILT FENCE
-  PROPOSED HAYBALE BARRIER
-  PROPOSED CONCRETE WASHOUT
-  PROPOSED OUTFALL / SAMPLING LOCATION

**MAP REFERENCE**

"MILVON-DEVON TIE 115KV TRANSMISSION LINE 89005B-2 GENERAL ACCESS PLAN"; DRAWING NO. 14220-0801; CREATED BY BLACK & VEATCH; DATED 4/7/2014



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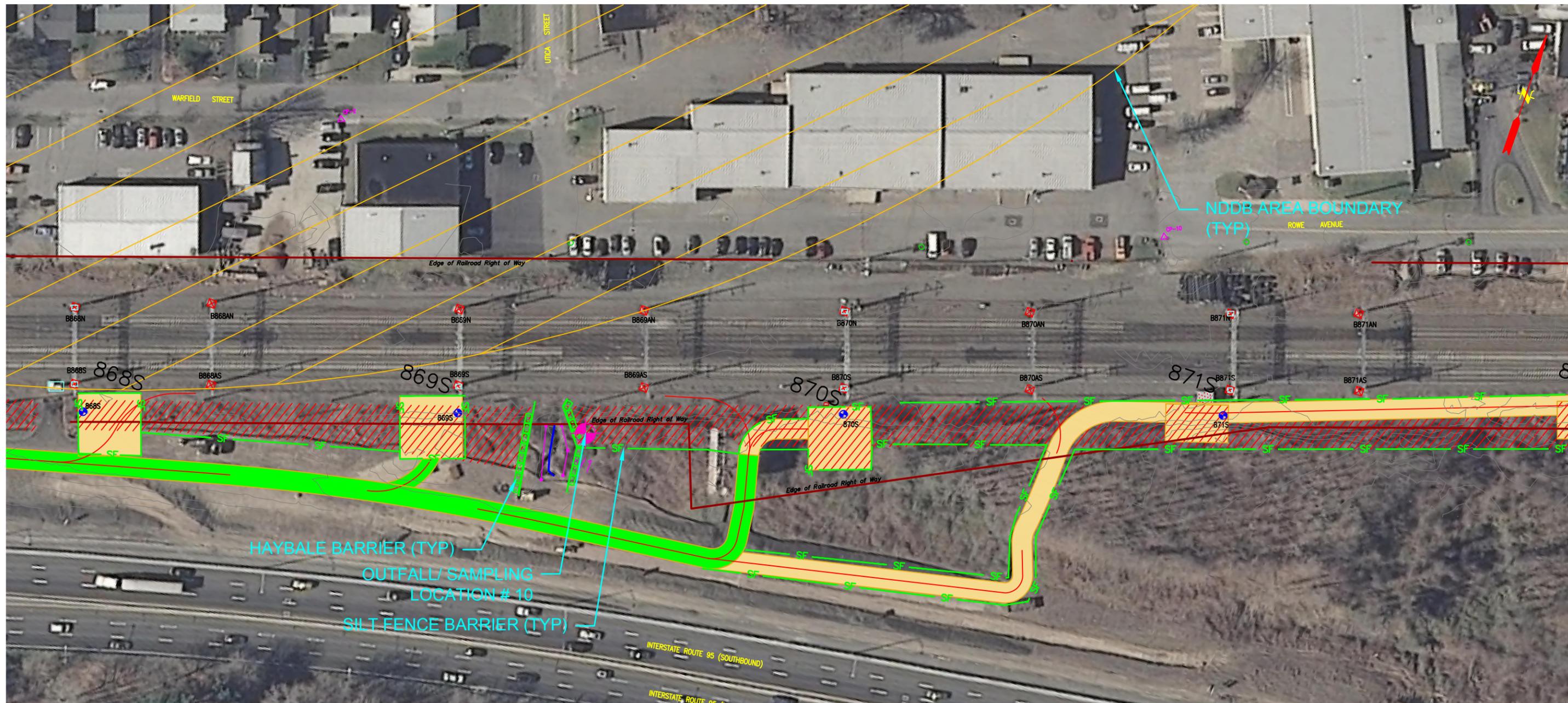
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 89005B-2  
 MILVON-DEVON RAILROAD

MILFORD

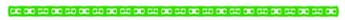
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PROJ. No.: 20130926 B10  
 DATE: AUGUST 2014

**CE-0808**

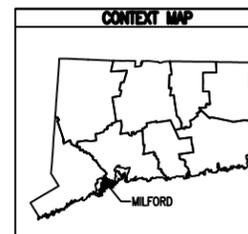


**LEGEND**

-  PROPOSED SILT FENCE
-  PROPOSED HAYBALE BARRIER
-  PROPOSED CONCRETE WASHOUT
-  PROPOSED OUTFALL / SAMPLING LOCATION

**MAP REFERENCE**

"MILVON-DEVON TIE 115KV TRANSMISSION LINE 89005B-2 GENERAL ACCESS PLAN"; DRAWING NO. 14220-0802; CREATED BY BLACK & VEATCH; DATED 4/7/2014



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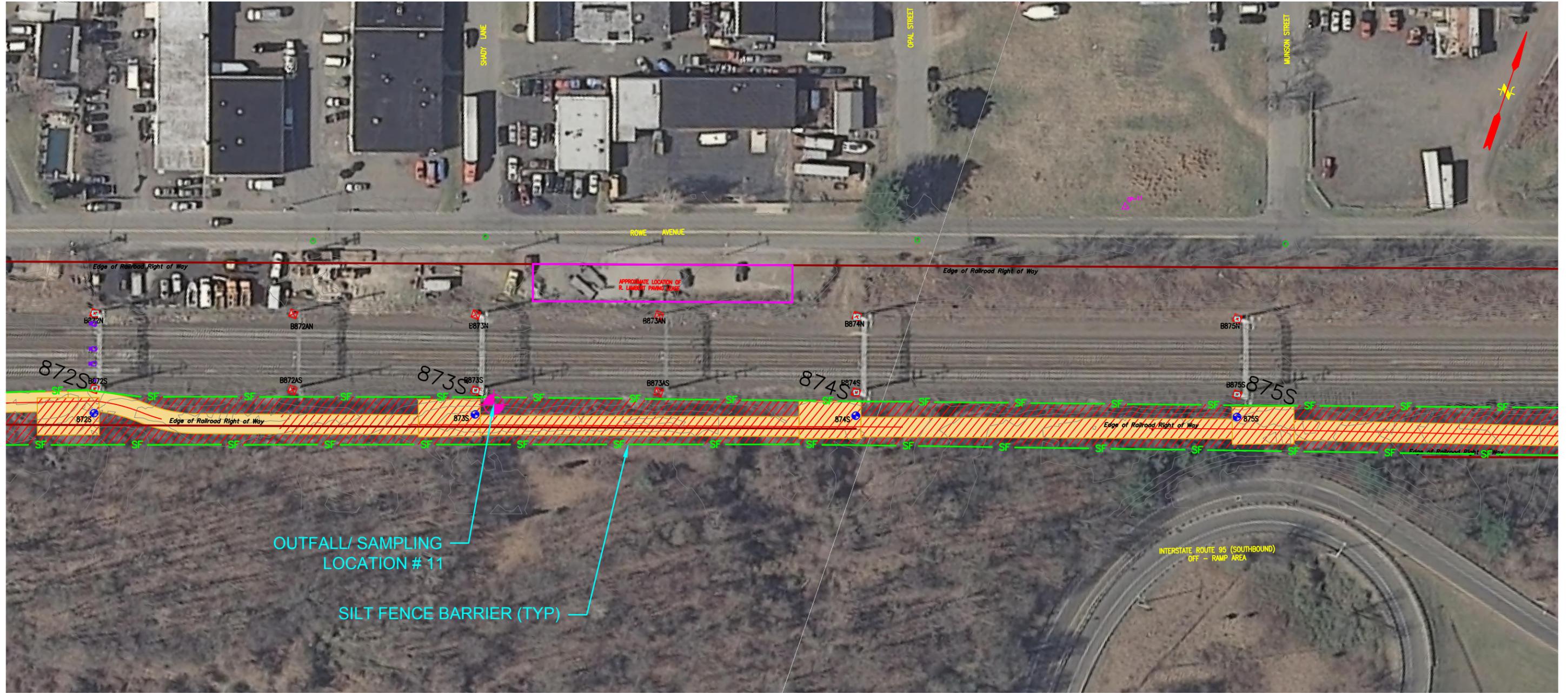
THE UNITED ILLUMINATING COMPANY  
 EROSION AND SEDIMENTATION CONTROL PLAN  
 89005B-2  
 MILVON-DEVON RAILROAD

MILFORD

CONNECTICUT

PROJ. No.: 20130982 B10  
 DATE: AUGUST 2014

CE-0809



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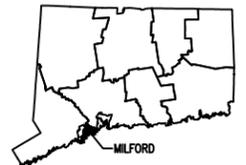
**LEGEND**

-  PROPOSED SILT FENCE
-  PROPOSED HAYBALE BARRIER
-  PROPOSED CONCRETE WASHOUT
-  PROPOSED OUTFALL / SAMPLING LOCATION

**MAP REFERENCE**

"MILVON-DEVON TIE 115KV TRANSMISSION LINE 89005B-2 GENERAL ACCESS PLAN"; DRAWING NO. 14220-0803; CREATED BY BLACK & VEATCH; DATED 4/7/2014

**CONTEXT MAP**



No.	DATE	DESCRIPTION	DESIGNER	REVIEWER
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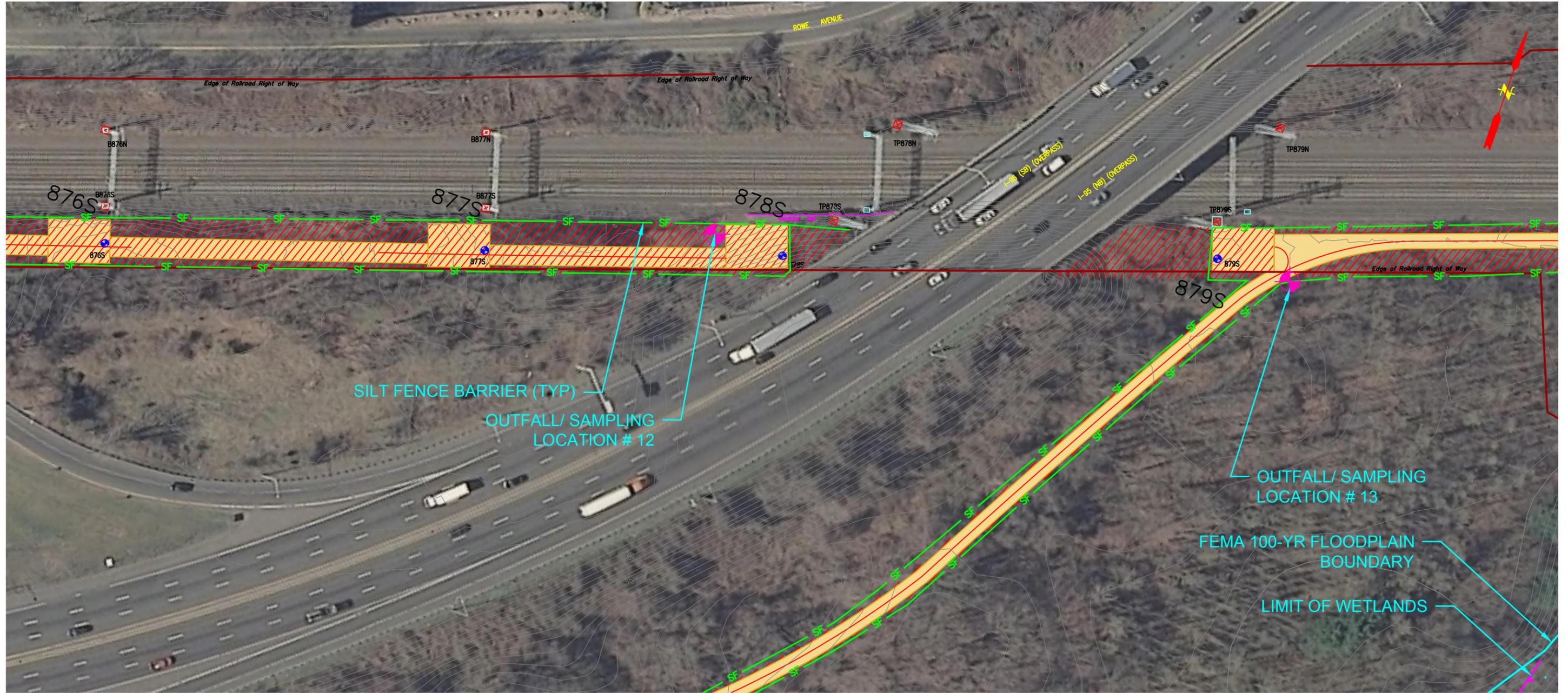
THE UNITED ILLUMINATING COMPANY  
 EROSION AND SEDIMENTATION CONTROL PLAN  
 89005B-2  
 MILVON-DEVON RAILROAD

MILFORD

CONNECTICUT

PROJ. No.: 20130922.B10  
 DATE: AUGUST 2014

**CE-0810**



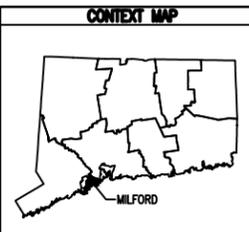
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**LEGEND**

- PROPOSED SILT FENCE
- PROPOSED HAYBALE BARRIER
- PROPOSED CONCRETE WASHOUT
- PROPOSED OUTFALL / SAMPLING LOCATION

**MAP REFERENCE**

"MILVON-DEVON TIE 115KV TRANSMISSION LINE 89005B-2 GENERAL ACCESS PLAN"; DRAWING NO. 14220-0804; CREATED BY BLACK & VEATCH; DATED 4/7/2014



No.	DATE	DESCRIPTION	DESIGNER	REVIEWER
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THE UNITED ILLUMINATING COMPANY  
 EROSION AND SEDIMENTATION CONTROL PLAN  
 89005B-2  
 MILVON-DEVON RAILROAD  
 CONNECTICUT

PROJ. No.: 20130922.B10  
 DATE: AUGUST 2014  
  
CE-0811

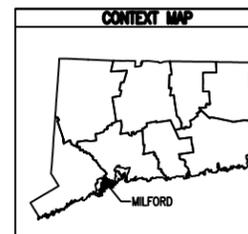


**LEGEND**

-  SF PROPOSED SILT FENCE
-  PROPOSED HAYBALE BARRIER
-  PROPOSED CONCRETE WASHOUT
-  PROPOSED OUTFALL / SAMPLING LOCATION

**MAP REFERENCE**

"MILVON-DEVON TIE 115KV TRANSMISSION LINE 89005B-2 GENERAL ACCESS PLAN"; DRAWING NO. 14220-0805; CREATED BY BLACK & VEATCH; DATED 4/7/2014



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1.				



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HORZ.: 1" = 80'
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HORZ.:
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THE UNITED ILLUMINATING COMPANY  
EROSION AND SEDIMENTATION CONTROL PLAN  
89005B-2  
MILVON-DEVON RAILROAD

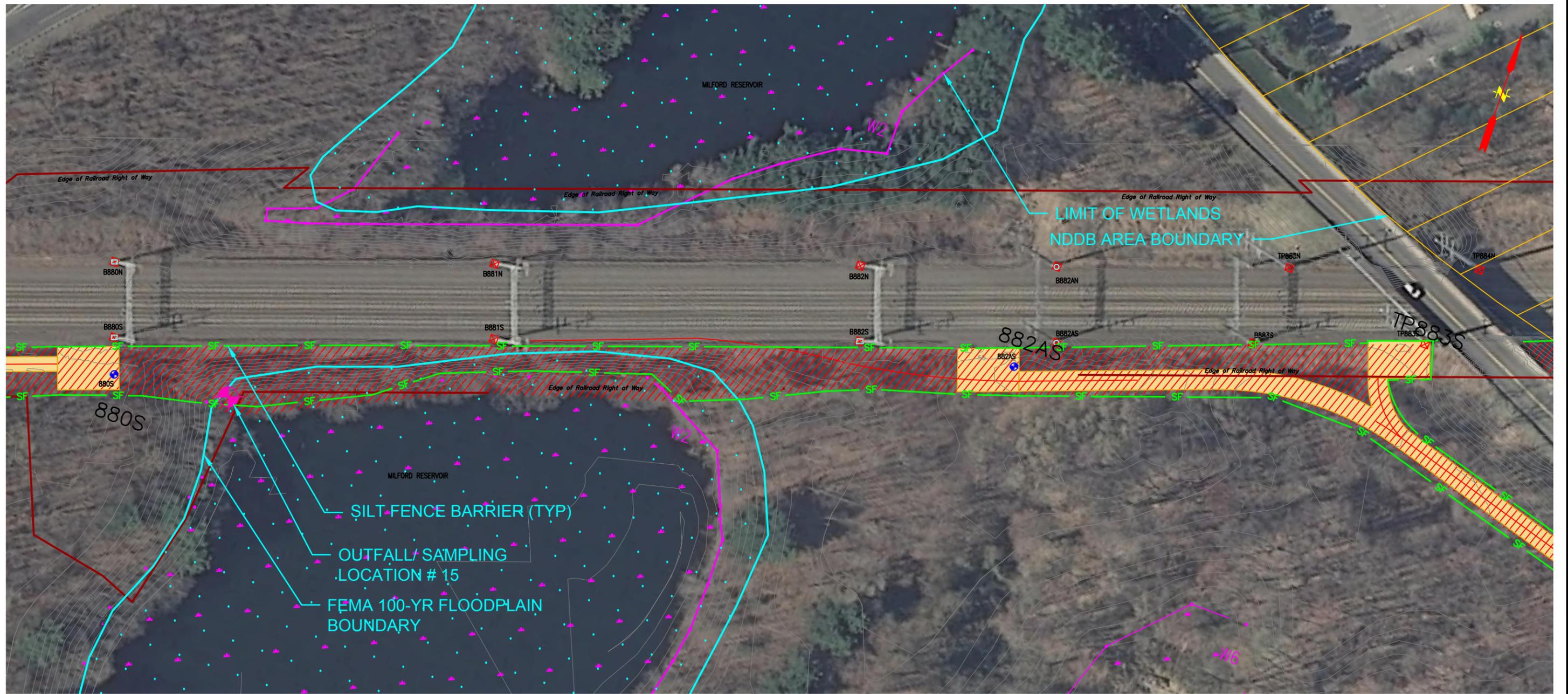
MILFORD

CONNECTICUT

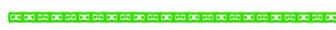
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DATE: AUGUST 2014

CE-0812

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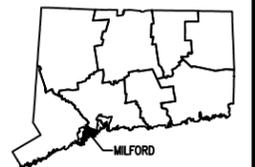
**LEGEND**

-  PROPOSED SILT FENCE
-  PROPOSED HAYBALE BARRIER
-  PROPOSED CONCRETE WASHOUT
-  PROPOSED OUTFALL / SAMPLING LOCATION

**MAP REFERENCE**

"MILVON-DEVON TIE 115KV TRANSMISSION LINE 89005B-2 GENERAL ACCESS PLAN"; DRAWING NO. 14220-0806; CREATED BY BLACK & VEATCH; DATED 4/7/2014

**CONTEXT MAP**



No.	DATE	DESCRIPTION	DESIGNER	REVIEWER
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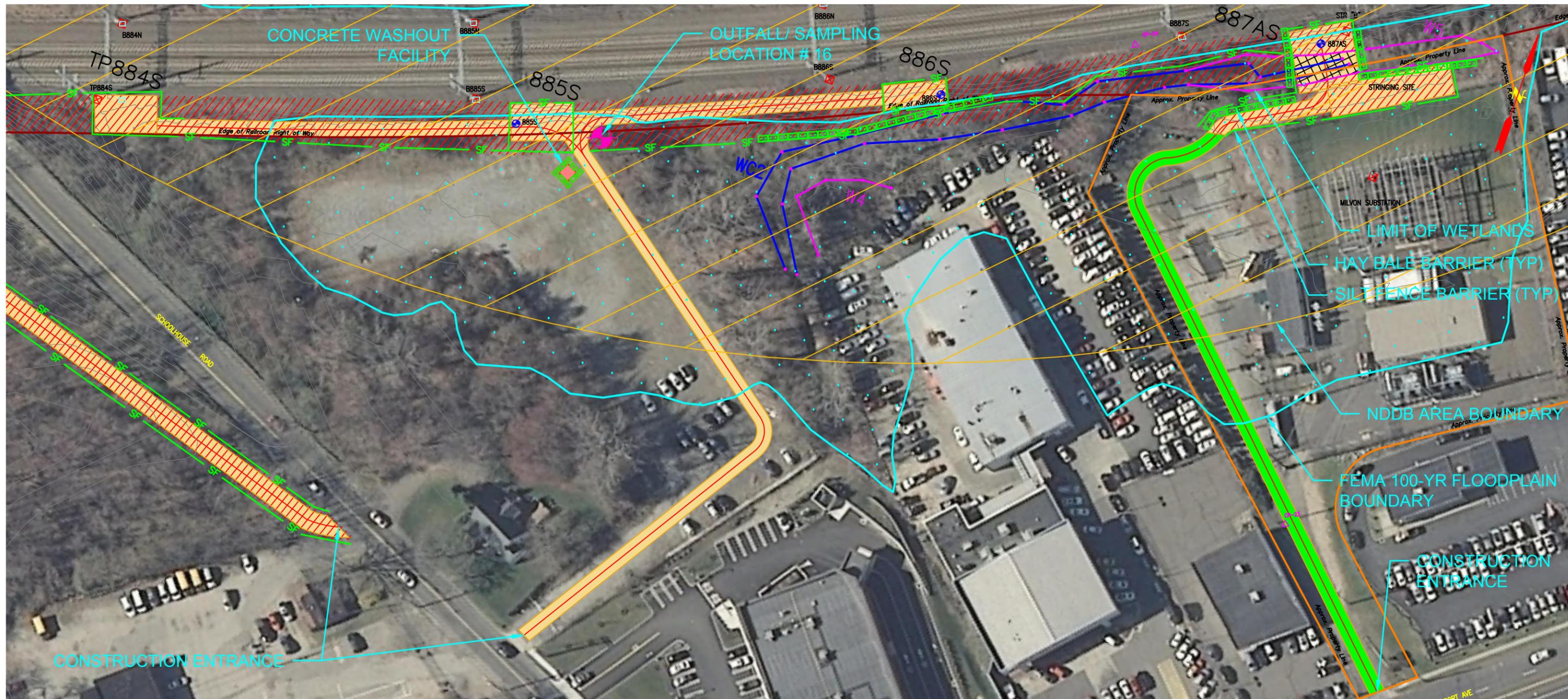


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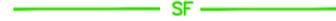


THE UNITED ILLUMINATING COMPANY  
 EROSION AND SEDIMENTATION CONTROL PLAN  
 89005B-2  
 MILVON-DEVON RAILROAD  
 MILFORD CONNECTICUT

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DATE: AUGUST 2014
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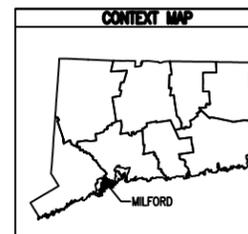


**LEGEND**

-  PROPOSED SILT FENCE
-  PROPOSED HAYBALE BARRIER
-  PROPOSED CONCRETE WASHOUT
-  PROPOSED OUTFALL / SAMPLING LOCATION

**MAP REFERENCE**

"MILVON-DEVON TIE 115KV TRANSMISSION LINE 89005B-2 GENERAL ACCESS PLAN"; DRAWING NO. 14220-0807; CREATED BY BLACK & VEATCH; DATED 4/7/2014



No.	DATE	DESCRIPTION	DESIGNER	REVIEWER
1.				



SCALE:	
HORZ.:	1" = 80'
VERT.:	
DATUM:	
HORZ.:	
VERT.:	
0 40 80	
GRAPHIC SCALE	



THE UNITED ILLUMINATING COMPANY  
 EROSION AND SEDIMENTATION CONTROL PLAN  
 89005B-2  
 MILVON-DEVON RAILROAD

MILFORD

CONNECTICUT

PROJ. No.: 20130982 B10  
 DATE: AUGUST 2014

CE-0814

## Appendix D

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### Wetland Identification and Delineation Report





Architecture  
Engineering  
Environmental  
Land Surveying

**Wetland Identification and Delineation Report**

**NERC Compliance**

**Milford, CT**

**BL Project No.: 13S1999**

Prepared for

**Black and Veatch Corporation  
11401 Lamar Avenue  
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Prepared by

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**Revised April 15, 2014**

# Wetland Identification and Delineation Report

## NERC Compliance Milford, CT

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## I. INTRODUCTION

BL Companies, Inc. (BL) conducted a site investigation to delineate state and federal wetlands and Waters of the United States. The project sites are located in the Towns of Milford, Stratford and West Haven, Connecticut (**Figures 1, 2, 3 and 4**). The project includes 13 areas within the vicinity of the Metro North Railway system and associated wetlands in the vicinity of the right-of-way (hereinafter referred to as the "Site").

The purpose of this report is to document and describe state, and federal jurisdictional wetlands, i.e. Waters of the United States.

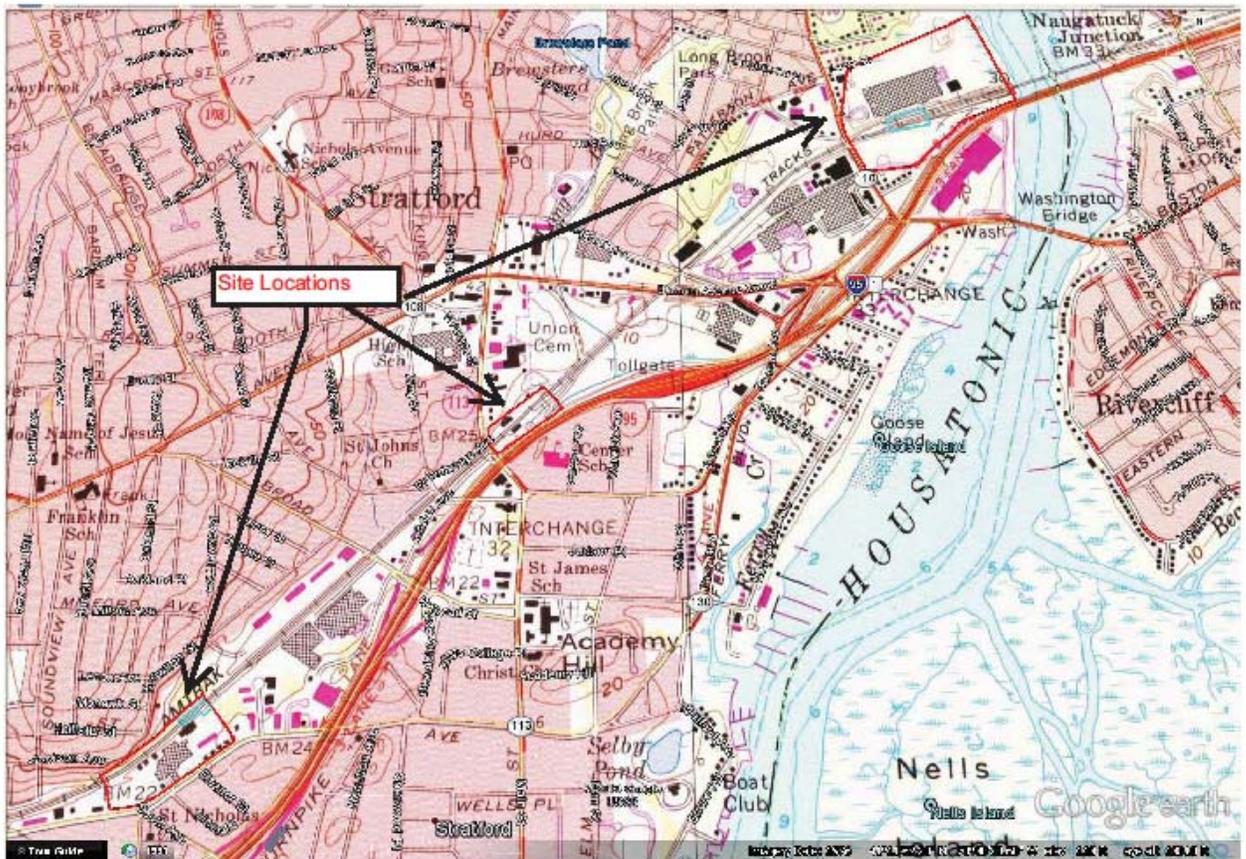


Figure 1 –7.5 min USGS topographic map. Site Location Map, Milford, CT

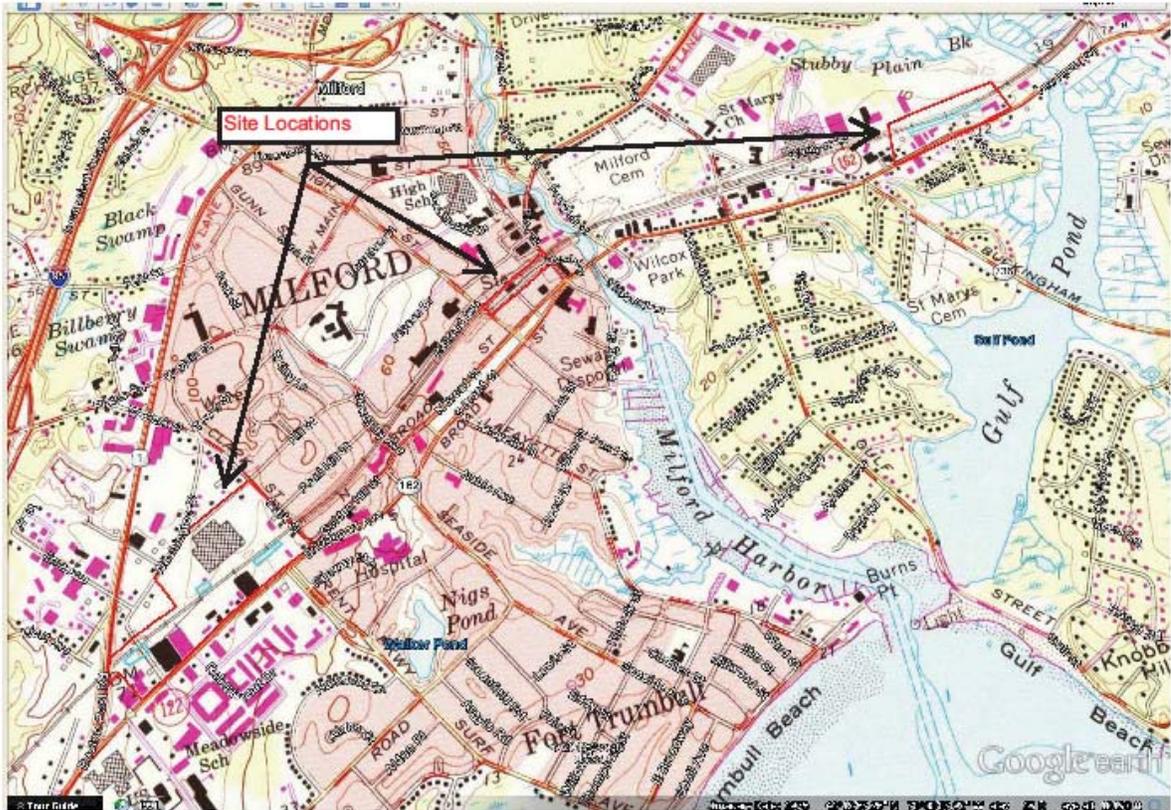


Figure 2 – 7.5 min USGS topographic map. Site Location Map, Milford, CT

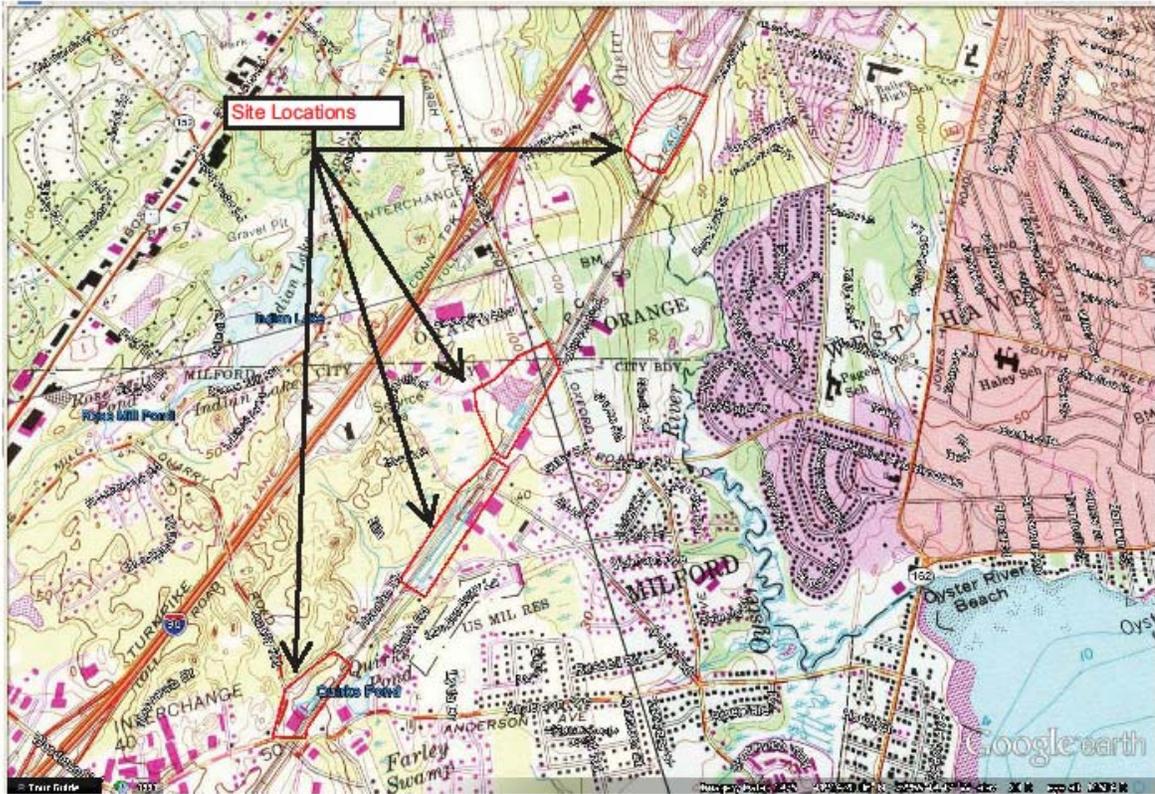


Figure 3 – 7.5 min USGS topographic map. Site Location Map, Milford, CT

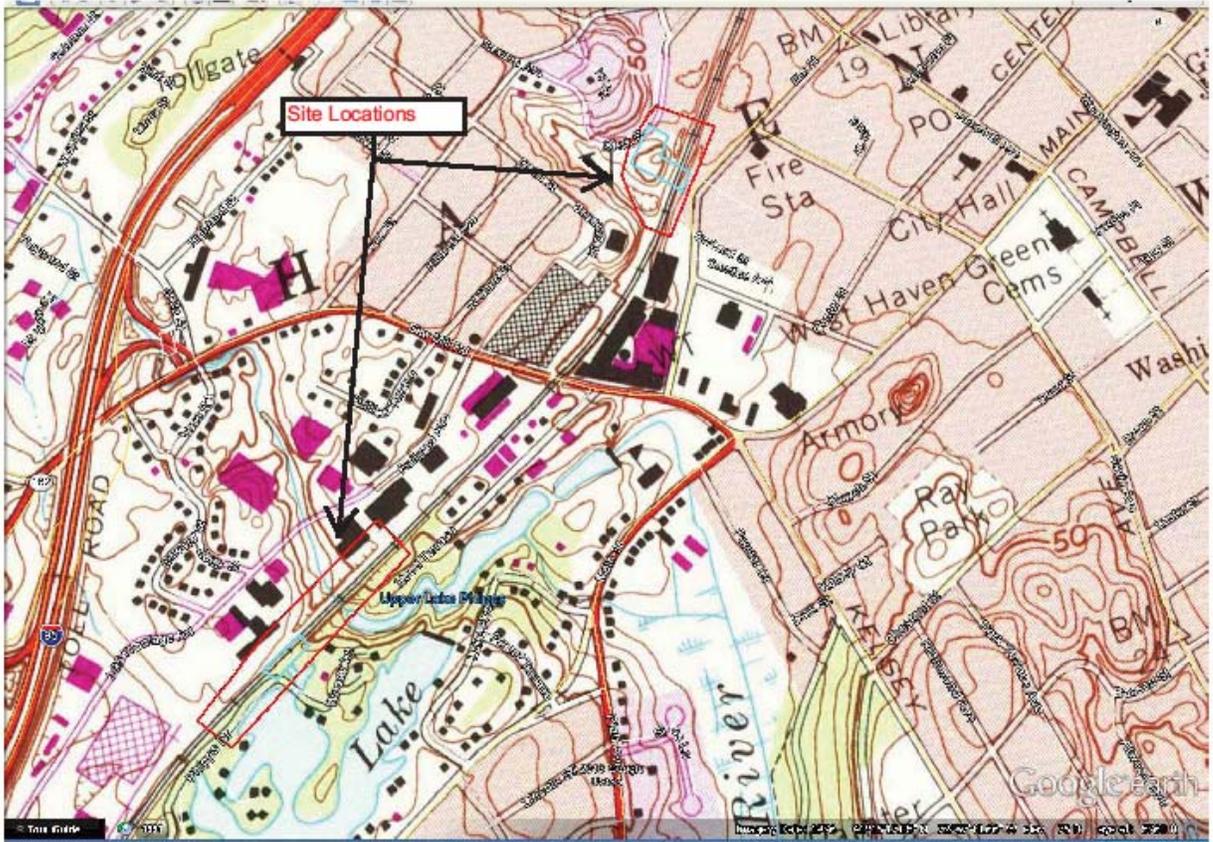


Figure 4 – 7.5 min USGS topographic map. Site Location Map, West Haven, CT

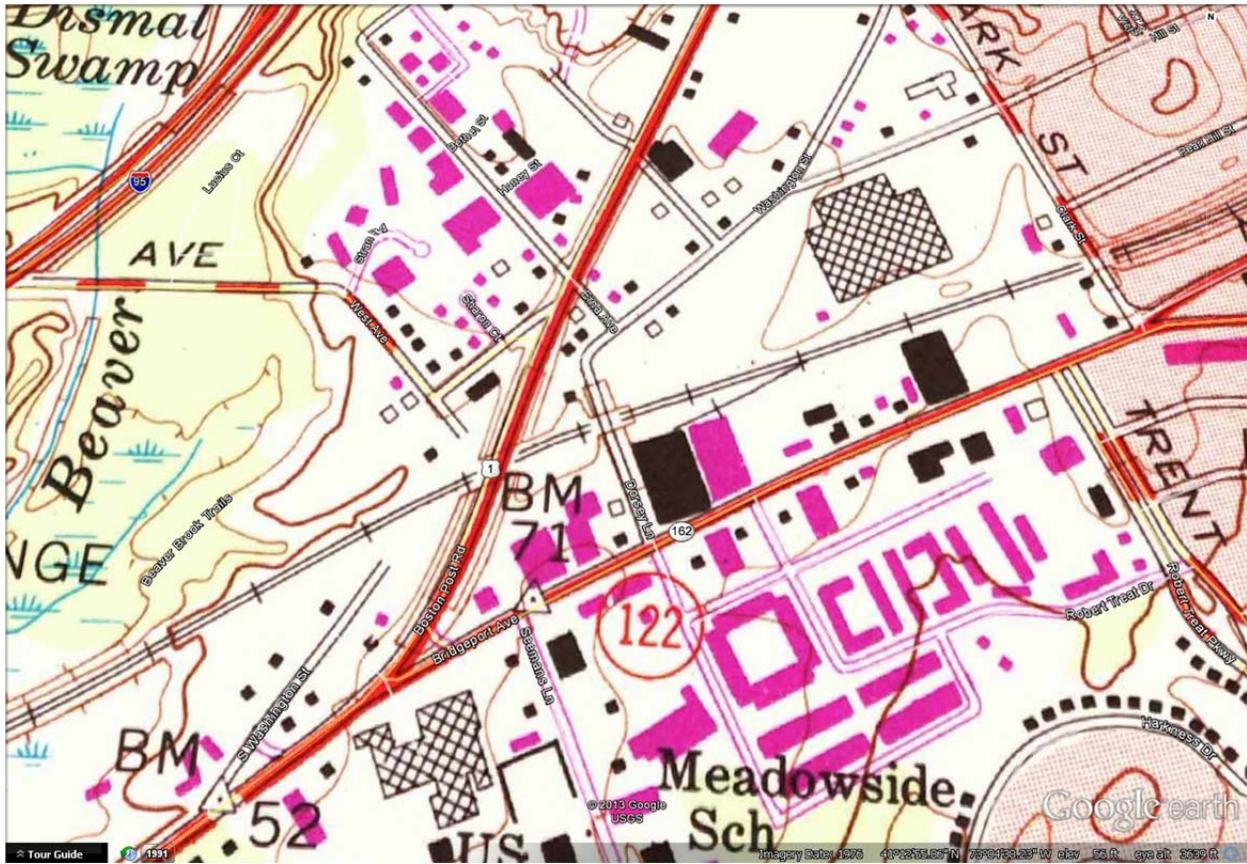


Figure 5 – 7.5 min USGS topographic map. Site Location Map, West Haven, CT

## II. METHODS

This investigation involved a wetland/watercourse delineation that was completed by a wetland scientist and qualified soil scientist and conducted in accordance with the principles and practices noted in the United States Department of Agriculture (USDA) Soil Survey Manual (1993). The soil classification system of the National Cooperative Soil Survey was used in this investigation to identify the soil map units present on the project site.

Vegetation, soils, and hydrology were observed and documented during the site investigation in order to meet the criteria of state and federal delineation methodologies. Soil types were identified by observing soil morphology (soil texture, color, structure, etc.). To observe the morphology of the soils, numerous test pits and/or hand borings (generally to a depth of at least two feet) are completed. Where wetland and/or watercourses were determined to be present, their boundaries were identified with flags and hung from vegetation or small wood stakes if in fields or grass communities. These flags are labeled "Wetland Boundary" and generally spaced a

maximum of approximately 50 feet apart. It is important to note that flagged wetland and watercourse boundaries are subject to change until verified by local, state, or federal regulatory agencies.

### **III. REGULATORY INFORMATION**

Wetlands and watercourses are regulated by both state, municipal and federal laws and regulations, each with different definitions and regulatory requirements. Accordingly, the State and municipalities may regulate wetland and waters that fall outside of federal jurisdiction; however, where federal jurisdiction exists concurrent State jurisdiction is almost always present.

#### **State/Municipal Jurisdiction**

Wetland determinations are based on the presence of poorly drained, very poorly drained, alluvial, or floodplain soils and submerged land. Watercourses are defined as “rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the state or any portion thereof.” Intermittent watercourse determinations are made based on the presence of a defined permanent channel and bank, and two of the following characteristics: (1) evidence of scour or deposits of recent alluvium or detritus, (2) the presence of standing or flowing water for a duration longer than a particular storm incident, and (3) the presence of hydrophytic vegetation. (See Inland Wetlands and Watercourses Act §22a-38 CGS.)

#### **Federal Jurisdiction**

Jurisdictional wetlands at the Federal level consist of “waters of the United States”, which includes lakes, rivers and streams, as well as vegetated wetlands (See 33 CFR 328.8). The onsite waters and wetlands, regulated by the U.S. Army Corps of Engineers (ACOE), were delineated in accordance with the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual Northcentral and Northeast Region* (Version 2.0) (January 2012). This *Manual* requires there to be dominant hydrophytic vegetation, hydric soils, and hydrological conditions present in determining wetland areas

### **IV. FUNCTIONS AND VALUES**

Biophysical elements such as a wetland’s landscape position, size, geology, hydrology, substrate, and vegetation determine the wetland functions and to what capacity they are performed. Due to the differing biophysical characteristics between on-site

wetlands, the functions the wetlands provide and the capacity to perform those functions vary. To better understand these differences, a description of the assessed wetland functional values was completed based on the United States Army Corps of Engineers (ACOE) Highway Methodology Workbook (1993) and its supplement workbook. This method requires a description of each of the wetland communities as well as indicating the functions they provide. The ACOE workbook includes the following thirteen (13) functions and values that have been recognized as functions wetlands can provide:

- Groundwater Recharge/Discharge,
- Floodflow Alteration,
- Fish and Shellfish Habitat,
- Sediment/Toxicant Retention,
- Nutrient Removal/Retention/Transformation,
- Production Export,
- Sediment/Shoreline Stabilization,
- Wildlife Habitat,
- Recreation,
- Education/Scientific Value,
- Uniqueness/Heritage,
- Visual Quality/Aesthetics, and
- Endangered Species.

## **V. SITE INVESTIGATION**

The project Site was investigated on November 11 through 15, 2013, with a temperature in the lower 40's °F under partially cloudy skies.

The field investigations were conducted within 13 areas of between School House Road in Milford and west to Savin Avenue in West Haven, Connecticut. Each site includes wetlands within a minimum of 50 feet north and south of the Metro North rail way Right-of-Way, boring and pole locations and areas identified as potential access sites.

Areas identified as jurisdictional wetlands at the federal, state and municipal levels during the field investigations included:

1. A palustrine emergent wetland (PEM) south of the Metro North ROW and north of Stratford Avenue; and
2. A palustrine forested wetland (PFO) south of the Metro North ROW and north of Stratford Avenue; and
3. An ephemeral watercourse leading from Knowlton Street south to the Metro North ROW; and

4. A palustrine emergent wetland (PEM) north of the Metro North ROW and west of Boston Post Road (Route 1); and
5. A riverine intermittent unconsolidated bottom watercourse (R4UB) that is a piped waterway between Interstate 95 South and the Milford Metro North Train Station ; and
6. A palustrine forested wetland (PFO) north of the Metro North ROW associated with Gulf Pond at the end of Wampus Lane; and
7. An ephemeral watercourse leading from Wampus Lane to Gulf Pond; and
8. A palustrine scrub shrub broad-leaved deciduous seasonally flooded/saturated system (PSS1E) east of Marble Lane, north of the Metro North ROW which is associated with an intermittent watercourse (R4UB) and an adjacent forested wetland system (PFO) and;
9. A riverine intermittent watercourse (R4UB) that leads into a scrub shrub wetland; and
10. A palustrine unconsolidated bottom permanently flooded wetland (PUBHx) located south of the Metro North ROW and is part of the Upper Lake Phipps waterway; and
11. A palustrine forested wetland (PFO) south of the Metro North ROW and south west of Depot Road.

Data on the current plant communities, soils, and hydrology were documented to support the wetland delineation. Some of the common plant species observed in the study area are listed in **Table 1**. Descriptions of the delineated wetland resources are provided in **Section VI**. Photographs of the identified wetland resources, taken to provide visual documentation of the area, are located in **Appendix A**. The location of the data points are identified on the wetland mapping located in **Appendix C**, and data sheets are located in **Appendix D**.

In the State of Connecticut, vernal pools are identified through field verification as an official vernal pool inventory is not in place at this time. During the field visits, no vernal pools were identified along the project study area.

The site locations are along the Metro North railway system. At one point, the railway system crosses the Housatonic River; however, work is not scheduled near this area and there will be no disturbance to any tidal wetlands/watercourses or essential fish habitats.

**Table 1: Common Plants in the Study Area and the Wetland Indicator Status**

Common Name	Scientific Name	Indicator Status
<b>Tree Stratum</b>		
Black Willow	<i>Quercus bicolor</i>	OBL
Red Maple	<i>Acer rubrum</i>	FAC
<b>Sapling, Shrub and Vine Stratum</b>		
Red Maple	<i>Acer rubrum</i>	FAC
Southern Arrow-Wood	<i>Viburnum dentatum</i>	FAC
Highbush Blueberry	<i>Vaccinium corymbosum</i>	FACW
Coastal Sweet-Pepperbush	<i>Clethra alnifolia</i>	FAC
Common Buttonbush	<i>Cephalanthus occidentalis</i>	OBL
Speckled Alder	<i>Alnus incana</i>	FACW
Rambler Rose	<i>Rosa multiflora</i>	FACU
Oriental Bittersweet	<i>Celastrus orbiculatus</i>	FACU (non-native-invasive)
Northern Spicebush	<i>Lindera benzoin</i>	FACW
<b>Herb Stratum</b>		
Common Reed	<i>Phragmites australis</i>	FACW (non-native-invasive)
Sensitive Fern	<i>Onoclea sensibilis</i>	FACW
Lamp Rush	<i>Juncus effuses</i>	OBL
Cinnamon Fern	<i>Osmunda cinnamomea</i>	FACW
Skunk-Cabbage	<i>Symplocarpus foetidus</i>	OBL
Rambler Rose	<i>Rosa multiflora</i>	FACU

Source: Lichvar, R.W. 2012 *The National Wetland Plant List; 2013 wetland ratings, Phytoneuron 2013-49; 1-241.* [http://wetland\\_plants.usace.army.mil/](http://wetland_plants.usace.army.mil/)

Cold Regions Research and Engineering Laboratory, US Army Corps of Engineers.

## VI. RESOURCE DESCRIPTIONS

### **Wetland 1:** USFWS Classification: PEM

This wetland is classified as palustrine emergent nonpersistent (PEM2) and is a small sparsely vegetated depression. This wetland is located south of the Metro North ROW. The area is sandwiched between a substation to the west and an abandoned parking lot to the west. This area is extremely disturbed due to the development of the property surrounding it. Hydrologic conditions are influenced by the storm water runoff, ponding, and groundwater connection. This area was delineated with sequentially numbered flags 1 through 05 (closed loop.) The soil profile is considerably disturbed from historic site activities.

The wetland soil series identified are Charlton-Urban Land Complex, Udorthents and urban land. The Charlton series consists of very deep, well drained loamy soils formed in till derived from parent materials that are very low in iron sulfides. They are nearly level to very steep soils on till plains and hills. Slope ranges from 0 to 50 percent. Saturated hydraulic conductivity is moderately high or high. Udorthents consist primarily of areas that have been cut for leveling or filled for development.

This wetland provides the following primary function: sediment/toxicant retention.

The wetland 1 has no designation in the Flood Insurance Rate Map for Fairfield County, Connecticut (09001C0442G), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map.

**Wetland 2:** USFWS Classification: PFO1

Wetland 2 is classified as a palustrine forested broad-leaved deciduous system (PFO1) located south of the Metro North ROW and north of Route 130 (Stratford Avenue) in Milford, CT. The wetland is situated between the rail way to the north, a brewery to the west, residential housing to the east and a busy two lane road to the south. This area is highly disturbed. This medium sized wetland is a result of drainage through underground pipes and exhibits alluvial sandy soils. This area was delineated using sequentially numbered flags 1 through 15 (open at both ends) on the west side of the wetland only. The wetland is dominated by Red maple (*Acer rubrum*) and Black willow (*Salix nigra*). The upland area is dominated by oriental bittersweet (*Celastrus orbiculatus*) and Japanese Knotweed (*Polygonum cuspidatum*), both are considered non-native and invasive plants. The soil profile is considerably disturbed from historic site activities.

The soil series identified is Udorthents-Urban land complex- Udorthents consist primarily of areas that have been cut for leveling or filled for development. Hydrologic conditions are influenced by the storm events.

This wetland provides the following functions and values: groundwater recharge/discharge, flood flow alteration, wildlife habitat. The primary function is flood flow alteration.

The wetland 2 has no designation in the Flood Insurance Rate Map for Fairfield County, Connecticut (09001C0442G), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map.

**Wetland 3:** USFWS Classification: PEM

Wetland 3 is classified as a palustrine emergent persistent wetland (PFO1) located on the south side of the site, east of Boston Post Road (Route 1) and west of Dorsey Lane. Hydrologic conditions are influenced by the storm events and overland runoff. This area was delineated using sequentially numbered flags 1 through 18 (closed loop). The wetland is dominated by Common Reed (*Phragmites australis*), which is considered a non-native and aggressive invasive plant.

The soil series identified is Udorthents-Urban land complex- Udorthents consist primarily of areas that have been cut for leveling or filled for development.

Wetland 3 provides the following primary function: flood flow alteration.

The wetland 3 has no designation in the Flood Insurance Rate Map for New Haven County, Connecticut (09009C0529J), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map.

**Wetland 4:** USFWS Classification: PFO1

Wetland 4 is classified as a palustrine forested broad-leaved deciduous system (PFO1) located on the north side of the site, east of Wampus Lane. This large wetland system receives water from Indian River and flows into Gulf Brook. Hydrologic conditions are influenced by the storm events, tidal exchange of Gulf Brook, Indian River, groundwater connection and surface ponding. This area was delineated using sequentially numbered flags 1 through 25 (open ended). The wetland is dominated by Red maple (*Acer rubrum*) trees. A path, partially paved, partially dirt, runs parallel to the Metro North railway along the southern border of the wetland.

The soil series identified is Udorthents soils. Udorthents consist primarily of areas that have been cut for leveling or filled for development.

Wetland 4 provides the following high quality functions and values: groundwater recharge/discharge, flood flow alteration, fish and shellfish habitat, sediment/toxicant retention, nutrient removal/retention/transformation, product export, wildlife habitat, recreation. The primary functions and values include: flood flow alteration, sediment/toxicant retention, wildlife habitat, and recreation

The wetland 4 is designated as "Zone AE", in the Flood Insurance Rate Map for Fairfield County, Connecticut (09009C0531J), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map.

**Wetland 5:** USFWS Classification: PSS1E

Wetland 5 is classified as a palustrine scrub shrub broad-leaved deciduous seasonally flooded/saturated system (PSS1E) located north of the Metro North ROW, and east of Marble Lane. Wetland 5 is part of a large wetland system that expands beyond the site. Hydrologic conditions are influenced by Indian Lake, tributaries, storm events, and surface ponding. It is located between residential housing, Metro North Railway, and commercial property. Disturbance is apparent as there are remnants of soil mounds and berms around the wetland. This area was delineated using sequentially numbered flags 1 through 12 (open ended). Flag 12 connects to Watercourse 4 flags 01 and 101. The wetland is dominated by Common Buttonbush (*Cephalanthus occidentalis*).

The soil series identified is Catden and Freetown. Catden series consists of very deep, very poorly drained soils formed in woody and herbaceous organic materials in depressions on lake plains, outwash plains, moraines, and flood plains. Saturated hydraulic conductivity ranges from moderately low to high. Slope ranges from 0 to 2 percent. The mean annual temperature is about 13 degrees C and the mean annual precipitation is about 1258 mm. The Freetown series consists of very deep, very poorly drained organic soils formed in more than 130 centimeters of highly decomposed

organic material. They are commonly in depressions or on level uplands and alluvial plains. Slope ranges from 0 to 2 percent. Saturated hydraulic conductivity is moderately high or high. The mean annual temperature is about 9 degrees Celsius and mean annual precipitation is about 1205 millimeters.

Wetland 5 provides the following functions and values: groundwater recharge/discharge, flood flow alteration, fish and shellfish habitat, sediment/toxicant retention, nutrient/toxicant retention, nutrient removal/retention/transformation, product export, wildlife habitat, visual quality/ aesthetics. The primary functions and values for wetland 5 include: groundwater recharge/discharge, flood flow alteration, sediment/toxicant retention, nutrient/toxicant retention, nutrient removal/retention/transformation, and wildlife habitat.

The wetland 5 is designated as "Other Flood Areas", in the Flood Insurance Rate Map for New Haven County, Connecticut (09009C0532J), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map.

**Wetland 6:** USFWS Classification: PFO

Wetland 6 is classified as a palustrine forested broad-leaved deciduous system (PFO1) located north of the Metro North ROW, and south of McQuillan Drive. Wetland 6 is part of a large wetland system that expands beyond the site and is connected to wetland 5 by watercourse 4. Hydrologic conditions are influenced by Indian Lake, tributaries, storm events, and surface ponding. It is located between residential housing, Metro North Railway, and commercial property. Disturbance is apparent as there is a berm running the length of the wetland on the north side. This area was delineated using sequentially numbered flags 201 through 217 and connects back to flag 04 (open ended). Flag 217 connects to Watercourse 4 flag number 12. The wetland is dominated by Red maple (*Acer rubrum*).

The soil series identified is Timakwa and Natchaug. The Timakwa series consists of very deep, very poorly drained soils formed in woody and herbaceous organic materials over sandy deposits in depressions on lake plains, outwash plains, till plains, moraines, and flood plains. Saturated hydraulic conductivity is moderately low to high in the organic layers and high or very high in the sandy material. Slope ranges from 0 to 2 percent. Mean annual temperature is about 13 degrees C and the mean annual precipitation is about 1258 mm. The Natchaug series consists of very deep, very poorly drained soils formed in woody and herbaceous organic materials overlying loamy deposits in depressions on lake plains, outwash plains, till plains, moraines, and flood plains. Saturated hydraulic conductivity is moderately low to very high in the organic layers and moderately low to high in the loamy material. Slope ranges from 0 to 2 percent. Mean annual temperature is about 9 degrees Celsius and mean annual precipitation is about 1194 millimeters.

Wetland 6 provides the following functions and values: groundwater recharge/discharge, flood flow alteration, sediment/toxicant retention, nutrient/toxicant retention, nutrient removal/retention/transformation, wildlife habitat,

visual quality/ aesthetics. The primary functions and values for wetland 6 include: flood flow alteration, sediment/toxicant retention, nutrient/toxicant retention, nutrient removal/retention/transformation, and wildlife habitat.

The wetland 6 is designated as "Other Flood Areas", in the Flood Insurance Rate Map for New Haven County, Connecticut (09009C0532J), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map.

**Wetland 7:** USFWS Classification: PFO

Wetland 7 is classified as a palustrine forested broad-leaved deciduous system (PFO1) located north of the Metro North ROW, and south of Heffernan Drive. It is located between the Metro North Railway, and commercial property. Disturbance is apparent as there is a berm running the length of the wetland on the north side. Hydrologic conditions are influenced by the storm events. A culvert is located at the south west end of the wetland. This area was delineated using sequentially numbered flags 01 through 25 (open ended) and continues off site. The wetland is dominated by Black willow (*Quercus bicolor*) and Common Reed (*Phragmites australis*), which is considered a non-native and aggressive invasive plant.

The soil series identified is Udorthents-Urban land complex- Udorthents consist primarily of areas that have been cut for leveling or filled for development.

Wetland 7 provides the following functions and values: flood flow alteration, sediment/toxicant retention, and nutrient/toxicant retention. The primary function of wetland 8 is flood flow retention.

The wetland 7 is designated as "Zone x", in the Flood Insurance Rate Map for New Haven County, Connecticut (09009C0438H), effective December 17, 2010. Please refer to **Appendix D** for FEMA FIRM Map.

**Wetland 8:** USFWS Classification: PFO1

Wetland 8 is classified as a palustrine forested broad-leaved deciduous system (PFO1) located south of the Metro North ROW and south west of Depot Road. This area was delineated using sequentially numbered flags 01 through 11. The wetland is located between the train tracks and a commercial property. There is a small drainage ditch that leads from Depot Road, transporting overland flow to the wetland. Hydrologic conditions are influenced by overland runoff, drainage and precipitation. Wetland 8 is disturbed. The north west edge of wetland 8 is the toeslope of the railroad tracks. Berms form the south east edge of the wetland. Forest regrowth surrounds the wetland along the western boundary; however, mounds of dirt, trash and debris are prominent throughout the upland forest. This wetland is dominated by Red Maple (*Acer rubrum*) and Coastal Sweet-Pepperbush (*Clethra alnifolia*).

The soil series identified is Udorthents-Urban land complex- Udorthents consist primarily of areas that have been cut for leveling or filled for development.

Wetland 8 provides the following functions and values: flood flow alteration, sediment/toxicant retention, wildlife habitat and nutrient/toxicant retention. The primary function of wetland 8 is flood flow retention.

The wetland 8 has no designation in the Flood Insurance Rate Map for New Haven County, Connecticut (09009C0532J), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map.

**Watercourse 1:** Classification: Ephemeral

Watercourse 1 is classified as an ephemeral stream and is active only during and post storm events. This watercourse receives overland runoff from a storm drain leading from Knowlton Street south toward the Metro North ROW where it stops. This area was delineated using sequentially numbered flags 1 through 3 (open ends). The bed and bank is will defined due to the velocity of water and scour. The bottom consists of bedrock and boulders. The banks on both sides are approximately three feet in height. There was no water present at time of inspection.

The watercourse 1 has no designation in the Flood Insurance Rate Map for Fairfield County, Connecticut (09001C0442G), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map

**Watercourse 2:** USFWS Classification: R4UB4

Watercourse 2 is classified as a riverine intermittent unconsolidated bottom organic watercourse (R4UB4) that feeds a wetland off site. This area was delineated using sequentially numbered flags 01 through 05 on the north side of the feature and 101 through 105 on the south side of the feature (open ends). A culvert stands at the east end of the watercourse. At the time of field visit, there was no flowing water in the channel. The channel was approximately 6 feet wide with 8 to 20 feet banks. Defined bed and bank were present and the bed consisted of organic material. Scour, alluvial deposits and detritus were present at time of field visit. Japanese knotweed (*Polygonum cuspidatum*) a non-native invasive plant species dominated the southern bank of Watercourse 2.

The watercourse 2 is designated as "Zone AE", in the Flood Insurance Rate Map for Fairfield County, Connecticut (09001C0434G), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map.

**Watercourse 3:** Classification: Ephemeral

Watercourse 3 is classified as an ephemeral stream and is active only during and post storm events. This area was delineated using sequentially numbered flags 01 through 05 (open ends). This watercourse receives overland runoff from Wampus lane leading north toward to wetland 3 where it continues off site. The channel is man-made and

straight. The bed and bank is will defined with organic bottom. The channel is approximately 3 feet wide with wetland vegetation, Coastal Sweet Pepper-Bush (*Clethra alnifolia*), in the channel. No water was present at time of inspection.

The watercourse 3 has no designation in the Flood Insurance Rate Map for Fairfield County, Connecticut (09009C0531J), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map.

**Watercourse 4:** USFWS Classification: R4UB4

Watercourse 4 is classified as a riverine intermittent unconsolidated bottom organic watercourse (R4UB4) that connects wetlands 5 and 6. Watercourse 4 becomes wetland 6 as the channel definition recedes and wetland vegetation, pitting and mounding become pronounced. This area was delineated using sequentially numbered flags 01 through 17 on the north side and 101 through 117 on the south side (open ends). A weir stands at the north east end of the watercourse. The bottom consists of a mixture of organic material, boulders, cobble, gravel and sand. At the time of field visit, there was approximately 1 foot of ponding at then north east end near the weir. The channel was approximately 4 to 6 feet wide with 8 to 20 foot banks. Defined bed and banks, drainage patters, alluvial deposits and debris were present.

The watercourse 4 is designated as "Other Flood Areas", in the Flood Insurance Rate Map for New Haven County, Connecticut (09009C0532J), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map.

**Watercourse 5:** USFWS Classification: R4UB4

Watercourse 4 is classified as a riverine intermittent unconsolidated bottom cobble gravel watercourse (R4UB4). Watercourse 5 starts at the edge of a commercial property where a culvert and storm drain lead into the watercourse. This area was delineated using sequentially numbered flags 01 through 16 (open ends) and ends in a drainage swale to the east. The bottom consists of a mixture of cobble and sand. At the time of field visit, there was no water in the channel. The channel was approximately 3 feet wide with 1 to 6 foot banks. Defined bed and banks, drainage patters, alluvial deposits and debris were present.

The watercourse 5 is designated as "Other Flood Areas", in the Flood Insurance Rate Map for New Haven County, Connecticut (09009C0532J), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map.

**Watercourse 6:** Classification: Ephemeral

Watercourse 6 is classified as an ephemeral stream and is active only during and post storm events. This area was delineated using sequentially numbered flags 01 through 12 (open ends). This watercourse receives overland runoff from Marsh Hill Road flowing west toward Wetland 4. The bed and bank is will defined with organic bottom. The

channel is approximately 3 feet wide and the banks approximately 3 feet high. No water was present at time of inspection.

The watercourse 6 has no designation in the Flood Insurance Rate Map for New Haven County, Connecticut (09009C0532J), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map.

**Watercourse 7:** USFWS Classification: R4UB4

Watercourse 7 is classified as a riverine intermittent unconsolidated bottom sand watercourse (R4UB4). Watercourse 7 starts at the west end of Washington Street, on the east side of Route 1, at a culvert leading from under the west end of Washington Street. This section of the watercourse is 2 to 3 feet wide with well-defined bed and bank. The watercourse then flows south along the edge of Route 1 where it eventually becomes 10 to 30 feet wide between the edge of the Route 1 overpass and the railroad. The water flow in this vicinity is more diffuse. The watercourse then turns west and flows under Route 1. The channel meets with flows from another culvert which discharges on the west side of Route 1. The watercourse continues to flow in a westerly direction following a drainage swale adjacent to the railroad embankment. The delineation ended at Catenary Pole 892. This area was delineated using sequentially numbered flags 01 through 19 on the southern edge and 101 through 122 on the northern edge (open ended at both ends). The bottom consisted of alluvial sand. At the time of field visit, there was no water in the channel. The channel was approximately 2 to 30 feet wide at various locations and the banks were 2 inches to 1 foot high. Defined bed and banks, drainage patterns, alluvial deposits and debris were present. Vegetation along the edge of watercourse 7 was dominated by multiflora rose (*Rosa multiflora*), which is considered an invasive non-native species in the state of Connecticut.

Watercourse 7 has no designation in the Flood Insurance Rate Map for New Haven County, Connecticut (09009C0529J), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map.

**Watercourse 8:** USFWS Classification: PUBHx

Watercourse 8 is classified as a palustrine unconsolidated bottom permanently flooded watercourse (PUBHx) located on the south side of the Metro North ROW, and east of Phipps Drive and is part of the Phipps Lake system. This open water wetland system has a man-made dam and drainage swale on the north side. This area was delineated using sequentially numbered flags 01 through 06 on the north side and 101 through 104 on the south side (open ends). The wetland had no visible plants. The soil series identified is Water.

Watercourse 8 has no designation in the Flood Insurance Rate Map for New Haven County, Connecticut (09009C0439J), effective July 8, 2013. Please refer to **Appendix D** for FEMA FIRM Map.

## VII. SUMMARY

BL Companies identified eight (8) regulated and jurisdictional freshwater inland wetland areas and eight (8) watercourses on the Site. Poorly drained soils, hydric soils, hydrophytic vegetation, and hydrology were all observed in the wetland locations satisfying the criteria of the State and ACOE methodology for wetland delineations. All watercourses consisted of a defined permanent channel and bank, and evidence of scour or deposits of recent alluvium or detritus. In addition to the descriptions within the previous sections of this report, supporting data forms and photographs are attached that document the findings of the on-site field investigations.

## VIII. PREPARER

Raina Huebner  
[Rhuebner@blcompanies.com](mailto:Rhuebner@blcompanies.com)  
203-630-1406

Ms. Huebner holds a Master's Degree in Wetland, Watercourse and Ecosystem Management and Soil Science. Ms. Huebner has been delineating federal and state wetlands for the past 4 years. In addition, Ms. Huebner has acted as lead wetland scientist and conducted many function value impact assessments throughout New England, New York, New Jersey, Pennsylvania and Ohio. Ms. Huebner received a Certificate of Army Corps Wetland Delineation Training (Institute for Wetland Education and Environmental Research), holds a Wetland Professional in Training certification. Ms. Huebner is a standing member of the Society of Soil Scientists of Southern New England, is a Soil Scientist, and meets the criteria as a Soil Scientist in the State of Connecticut.

## REFERENCES

1. Brinson, M.M. 1993. *A Hydrogeomorphic Classification for Wetlands*. Tech. Rpt.WRP-DE-4, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.
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5. Lichvar, R.W. 2012 *The National Wetland Plant List; 2013 wetland ratings, Phytoneuron 2013-49; 1-241*. [http://wetland\\_plants.usace.army.mil/](http://wetland_plants.usace.army.mil/) Cold Regions Research and Engineering Laboratory, US Army Corps of Engineers.

6. United States Army Corps of Engineers. January 2012. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)*. Ed. J.S. Wakely, R.W. Lichvar, C.V. Noble, and J.F. Berkowitz. ERDC/EL TR-12-1. Vicksburg, MS: U.S. Army Research and Development Center.
7. USACOE. 1993. *The Highway Methodology Workbook*. US Army Corps of Engineers New England Division. 28pp. NEDEP-360-1-30.

## APPENDIX A

Wetland 1: Looking West



Wetland 2: looking west



Wetland 3: North side of ROW looking west toward Boston Post Rd (Route 1)



Wetland 4: Looking North



Wetland 5: looking north



Wetland 6: looking north



Wetland 7: looking at the man-made dam to the east



Wetland 8: looking north



Watercourse 1 : Looking down stream toward Metro North Railway



Watercourse 2 : Looking west toward culvert



Watercourse 3 : Looking north



Watercourse 4: Looking north



Watercourse 4: Looking south at weir and wetland 5



Watercourse 5: Looking east



Watercourse 6: Looking south



Photograph: Watercourse 7 looking east from the catenary 892 toward Route 1.



Photograph: Widest area of Watercourse 7 looking East from under Route 1 bridge



## APPENDIX B



**BL**  
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 Companies

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 Meriden, CT 06450  
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 (203) 630-2615 Fax

**WETLAND DELINEATION SKETCH**

VICINITY OF STRATFORD AVE AND HONEYSPOT RD  
 TOWN OF BRIDGEPORT  
 STATE OF CONNECTICUT

Drawn R.H.  
 Approved  
 Soils 1"=30'±  
 Project No. 13S1999  
 Date 12/10/2013  
 CAD File EV13S199901-FC004

**WD-01**

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**WETLAND DELINEATION SKETCH**

VICINITY OF HOLLISTER ST AND KNOWLTON ST  
TOWN OF BRIDGEPORT  
STATE OF CONNECTICUT

Drawn: R.H.  
Approved: 12/10/2013  
Scale: 1"=30'±  
Project No: 1351888  
Date: 12/10/2013  
CAD File: EV135188801-FC004

**WD-02**



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(203) 630-2515 Fax

**WETLAND DELINEATION SKETCH**

VICINITY OF BRIDGEPORT AVE AND DORSEY LN  
TOWN OF MILFORD  
STATE OF CONNECTICUT

Drawn: R.H.  
Approved: R.H.  
Scale: 1"=40'  
Project No: 1351000  
Date: 12/16/2013  
CAD File: EV13510001-FC004

**WD-03**



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**WETLAND DELINEATION SKETCH**

VICINITY OF MAINT ST AND NATIONAL HELICOPTER MUSEUM  
TOWN OF STRATFORD  
STATE OF CONNECTICUT

Drawn  
Approved  
Soils  
Project No.  
Date  
CAD File

R.H.  
1-3-07  
1351 000  
12/9/2013  
EVI135100001-FC004

**WD-04**



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(203) 630-2515 Fax

**WETLAND DELINEATION SKETCH**

VICINITY OF ROUTE 1 AND DORSEY LN  
TOWN OF MILFORD  
STATE OF CONNECTICUT

Drawn: R.H.  
Approved: 1-2-07  
Soils: 1351 000  
Project No.: 15/2003  
Date: 12/9/2003  
CAD File: EV135100001-F0004

**WD-05**



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**WETLAND DELINEATION SKETCH**

VICINITY OF NEW HAVEN AVE AND WAMPUS LN  
TOWN OF MILFORD  
STATE OF CONNECTICUT

Drawn: R.H.  
Approved: R.H.  
Scale: 1"=80'±  
Project No: 1351 000  
Date: 12/9/2013  
CAD File: EV13510001-FC004

**WD-06**



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**WETLAND DELINEATION SKETCH**

VICINITY OF HEENAN DR AND QUARRY RD  
TOWN OF MILFORD  
STATE OF CONNECTICUT

Drawn: R.H.  
Approved: R.H.  
Scale: 1"=50'  
Project No: 1351 000  
Date: 12/9/2013  
CAD File: EV135100001-FC004

**WD-07**



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 (203) 630-2515 Fax

**WETLAND DELINEATION SKETCH**  
 VICINITY OF MARBLE LN AND BARN LN  
 TOWN OF MILFORD  
 STATE OF CONNECTICUT

Drawn: R.H.  
 Approved: R.H.  
 Soils: 1-18-11  
 Project No.: 1351 000  
 Date: 12/9/2013  
 CAD File: EV13510001-F0004

**WD-08**



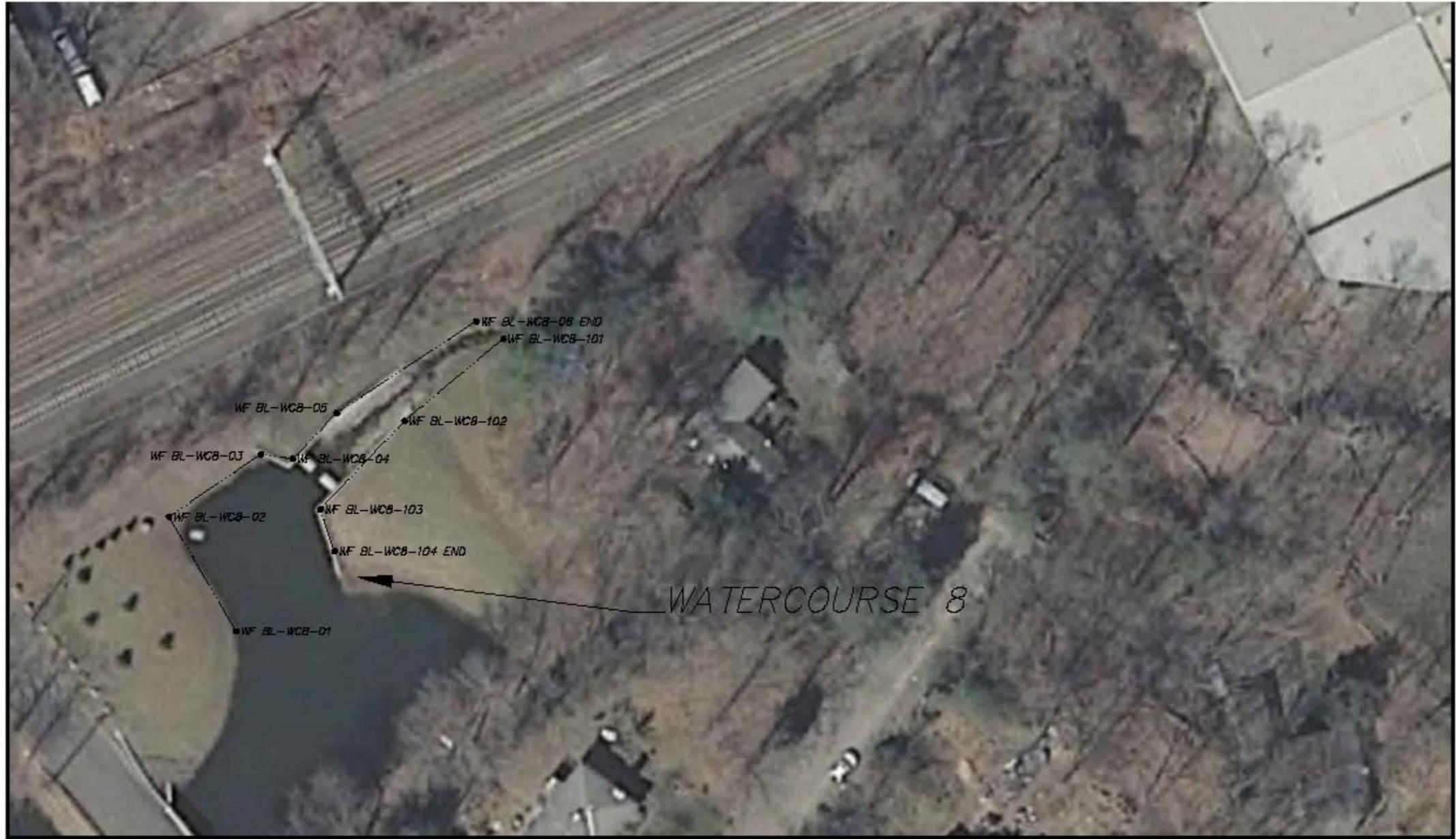
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**Companies**

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(203) 630-2515 Fax

**WETLAND DELINEATION SKETCH**  
VICINITY OF MARSH HILL RD AND CASCADE BLVD  
TOWN OF ORANGE  
STATE OF CONNECTICUT

Drawn: R.H.  
Approved: R.H.  
Soils: 1-351 000  
Project No.: 1351 000  
Date: 12/9/2013  
CAD File: EV135100001-FC004

**WD-09**



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**WETLAND DELINEATION SKETCH**

VICINITY OF PHIPPS DR AND WOODLY LN  
TOWN OF WEST HAVEN  
STATE OF CONNECTICUT

Drawn: R.H.  
Approved:  
Scale: 1"=50' ±  
Project No: 1351 000  
Date: 03/28/2014  
CAD File: EV13510001-FC004

**WD-10**



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LAND SURVEYING  
**Companies**

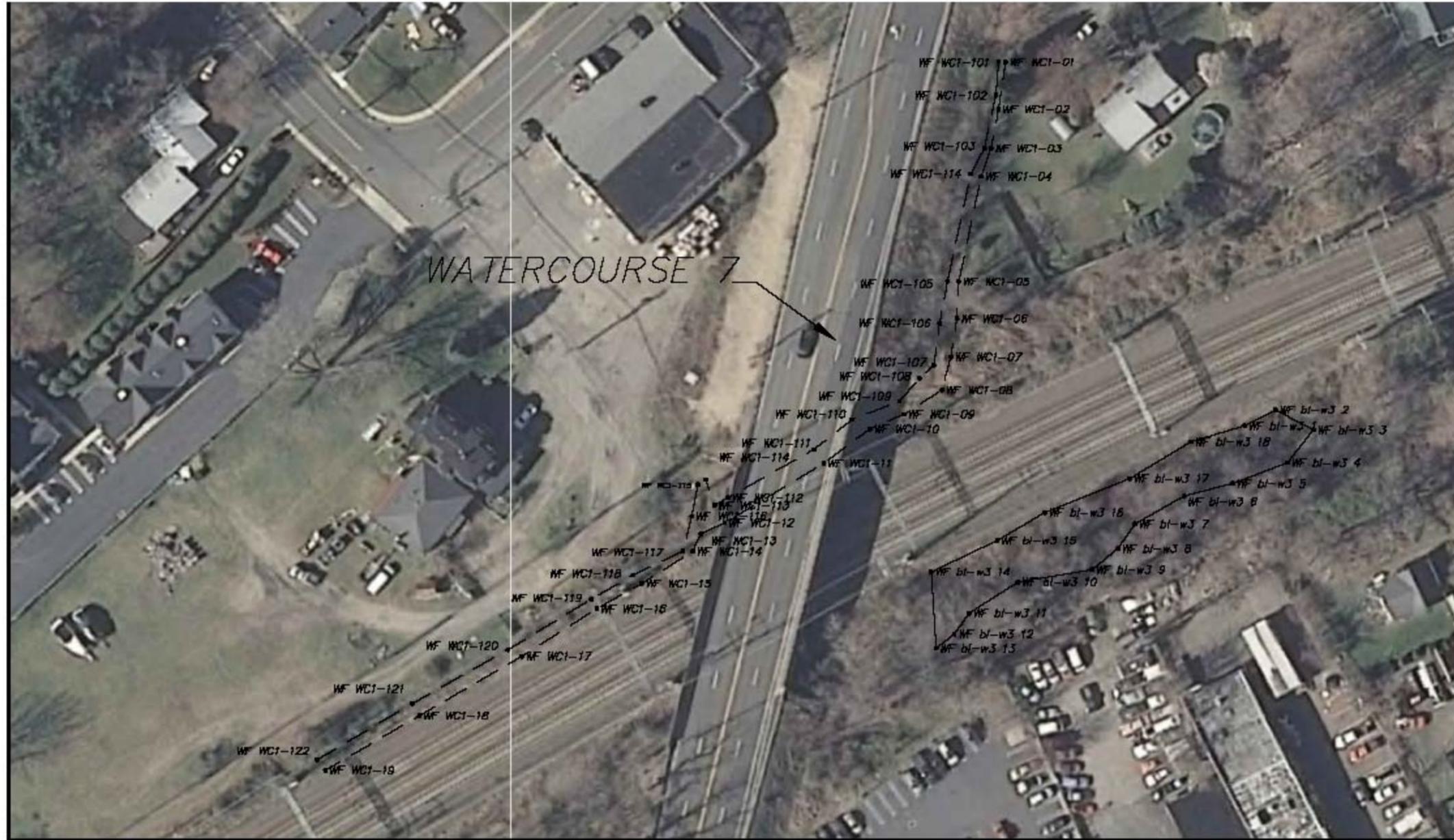
355 Research Parkway  
Meriden, CT 06450  
(203) 630-1406  
(203) 630-2515 Fax

**WETLAND DELINEATION SKETCH**

VICINITY OF CALLEGARI DR AND HEFFERNAN DR  
TOWN OF WEST HAVEN  
STATE OF CONNECTICUT

Drawn: R.H.  
Approved: R.H.  
Scale: 1"=50'±  
Project No: 1351 000  
Date: 03/28/2014  
CAD File: EV13510001-FC004

**WD-11**



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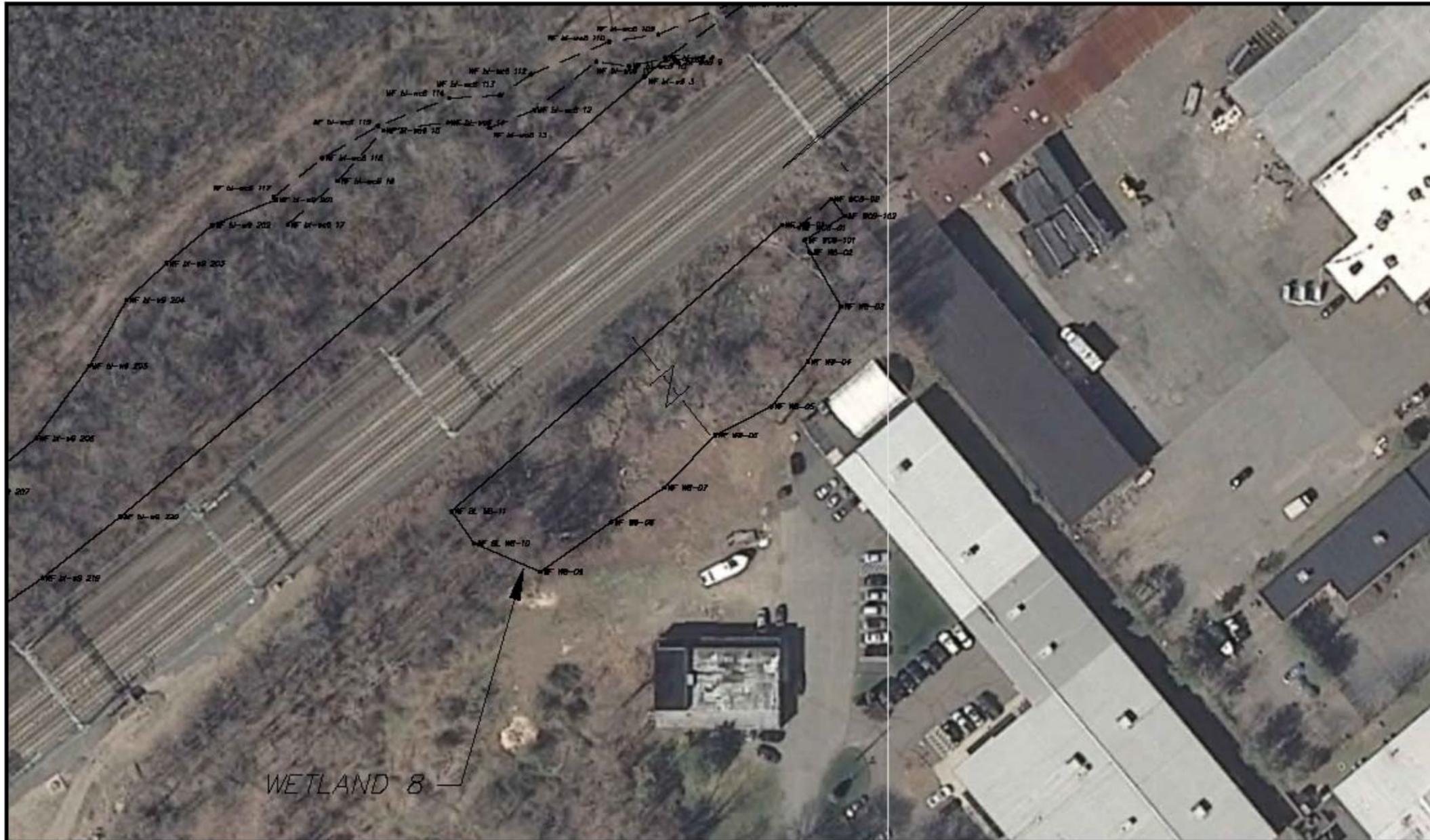
355 Research Parkway  
Meriden, CT 06450  
(203) 630-1406  
(203) 630-2615 Fax

**WETLAND DELINEATION SKETCH**

VICINITY OF ROUTE 1 AND DORSEY LN  
TOWN OF MILFORD  
STATE OF CONNECTICUT

Drawn: R.H.  
Approved: 1.351  
Soils: 1.351  
Project No.: 12/20/2013  
Date: EVI.35189001-FC004  
CAD File:

**WD-12**



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**WETLAND DELINEATION SKETCH**  
VICINITY OF MARBLE LN AND BARN LN  
TOWN OF MILFORD  
STATE OF CONNECTICUT

Drawn R.H.  
Approved  
Scale 1"=50'±  
Project No. 1351889  
Date 4/15/14  
CAD File: EV135188901-FC004

**WD-13**

## APPENDIX C

**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: UH-NERC City/County: Stratford Sampling Date: 11/11/2013  
 Applicant/Owner: UI State: \_\_\_\_\_ Sampling Point: Wetland 1  
 Investigator(s): RKH Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Toeslope Local relief (concave, convex, none): concave Slope (%): 0  
 Subregion (LRR or MLRA): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: PEM

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If yes, optional Wetland Site ID: <u>Wetland 1</u>
Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Remarks: (Explain alternative procedures here or in a separate report.)  
 Wetland 1 is a man-made depression wetland and highly disturbed. It is located between two commercial properties, the Metro North Railway and Route 1.

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply)		<b>Secondary Indicators (minimum of two required)</b>	
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)	
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)	
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)	
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input checked="" type="checkbox"/> Geomorphic Position (D2)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)	
<input checked="" type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input checked="" type="checkbox"/> Microtopographic Relief (D4)	
		<input type="checkbox"/> FAC-Neutral Test (D5)	

<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>4 inches</u>	<b>Wetland Hydrology Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
---	---

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:  
 Vegetation was absent from Wetland 1, however, hydric soil and hydrology were present.

**VEGETATION** – Use scientific names of plants.

Sampling Point: Wetland 1

	Absolute % Cover	Dominant Species?	Indicator Status	
<b>Tree Stratum</b> (Plot size: <u>30 feet</u> )				
1.				
2.				None
3.				
4.				
5.				
6.				
7.				
				_____ = Total Cover
<b>Sapling/Shrub Stratum</b> (Plot size: <u>15 feet</u> )				
1.				
2.				None
3.				
4.				
5.				
6.				
7.				
				_____ = Total Cover
<b>Herb Stratum</b> (Plot size: <u>5 feet</u> )				
1.				
2.				None
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
				_____ = Total Cover
<b>Woody Vine Stratum</b> (Plot size: <u>30 feet</u> )				
1.				
2.				None
3.				
4.				
				_____ = Total Cover

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: \_\_\_\_\_ (A)

Total Number of Dominant Species Across All Strata: \_\_\_\_\_ (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: \_\_\_\_\_ (AB)

---

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____	(A) _____ (B) _____

Prevalence Index = B/A = \_\_\_\_\_

---

**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >50%

3 - Prevalence Index is ≤3.0<sup>1</sup>

4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

---

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

---

**Hydrophytic Vegetation Present?**      Yes       No

Remarks: (include photo numbers here or on a separate sheet.)

Wetland 1 is a highly disturbed area. This wetland is an abandoned depression due to construction.



**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: UI-NERC City/County: Stratford Sampling Date: 11/11/2013  
 Applicant/Owner: UI State: CT Sampling Point: Upland 1  
 Investigator(s): RKH Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 0  
 Subregion (LRR or MLRA): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.) Upland 1 is located between two commercial properties, the Metro North Railway and Route 1 and highly disturbed. There are man-made depressions, berms and fences around the area	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks: No hydrology indicators were met. Soil was well drained at sample point. This is a non-wetland sample point.	

**VEGETATION** – Use scientific names of plants.

Sampling Point: Upland 1

Tree Stratum (Plot size: <u>30 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Quercus palustris</u>	50	Y	FACW	
2. <u>Prunus serotina</u>	10		FACU	
3. <u>Acer platanoides</u>	10		FACU	
4. _____				
5. _____				
6. _____				
7. _____				
	70	= Total Cover		
Sapling/Shrub Stratum (Plot size: <u>15 feet</u> )				
1. <u>Rosa multiflora</u>	10	Y	FACU	
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
	10	= Total Cover		
Herb Stratum (Plot size: <u>5 feet</u> )				
1. <u>Solidago patula</u>	40	Y	OBL	
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
12. _____				
	40	= Total Cover		
Woody Vine Stratum (Plot size: <u>30 feet</u> )				
1. <u>Toxicodendron radicans</u>	10	Y	FAC	
2. _____				
3. _____				
4. _____				
	10	= Total Cover		

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 75 (AB)

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**Prevalence Index worksheet:**

Total % Cover of: \_\_\_\_\_ Multiply by:

OBL species \_\_\_\_\_ x 1 = \_\_\_\_\_

FACW species \_\_\_\_\_ x 2 = \_\_\_\_\_

FAC species \_\_\_\_\_ x 3 = \_\_\_\_\_

FACU species \_\_\_\_\_ x 4 = \_\_\_\_\_

UPL species \_\_\_\_\_ x 5 = \_\_\_\_\_

Column Totals: \_\_\_\_\_ (A) \_\_\_\_\_ (B)

Prevalence Index = B/A = \_\_\_\_\_

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**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >50%

3 - Prevalence Index is ≤3.0<sup>1</sup>

4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

---

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

---

**Hydrophytic Vegetation Present?** Yes  No

Remarks: (include photo numbers here or on a separate sheet.)

Hydrophytic vegetation is present and dominant at the upland sample point, however soil and hydrology are missing from the plot and is therefore considered non-wetland



**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: UI-NERC City/County: Stratford Sampling Date: 11/11/2013  
 Applicant/Owner: UI State: \_\_\_\_\_ Sampling Point: Wetland 2  
 Investigator(s): RKH Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): concave Slope (%): 0  
 Subregion (LRR or MLRA): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: PFO

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, optional Wetland Site ID: <u>Wetland 2</u>
Remarks: (Explain alternative procedures here or in a separate report.) Wetland 2 is located between two commercial properties, the Metro North Railway and Route 1. Two culverts are prominent at the wetland boundary.	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input checked="" type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input checked="" type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks: Wetland 2 meets one primary and two secondary hydric soil indicators: Presence of reduced iron, geomorphic position and microtopographic relief.	

**VEGETATION – Use scientific names of plants.**

Sampling Point: Wetland 2

Tree Stratum (Plot size: <u>30 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Salix nigra</u>	40	Y	OBL	
2. <u>Acer rubrum</u>	40	Y	FAC	
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
	80	= Total Cover		
<b>Sapling/Shrub Stratum (Plot size: <u>15 feet</u> )</b>				
1. <u>Acer rubrum</u>	20	Y	FAC	
2. <u>Viburnum dentatum</u>	30	Y	FAC	
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
		= Total Cover		
<b>Herb Stratum (Plot size: <u>5 feet</u> )</b>				
1. <u>Phragmites australis</u>	30	Y	FACW	
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
12. _____				
	30	= Total Cover		
<b>Woody Vine Stratum (Plot size: <u>30 feet</u> )</b>				
1. _____				
2. <u>None</u>				
3. _____				
4. _____				
	0	= Total Cover		

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 5 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (AB)

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**Prevalence Index worksheet:**

Total % Cover of: \_\_\_\_\_ Multiply by:

OBL species \_\_\_\_\_ x 1 = \_\_\_\_\_

FACW species \_\_\_\_\_ x 2 = \_\_\_\_\_

FAC species \_\_\_\_\_ x 3 = \_\_\_\_\_

FACU species \_\_\_\_\_ x 4 = \_\_\_\_\_

UPL species \_\_\_\_\_ x 5 = \_\_\_\_\_

Column Totals: \_\_\_\_\_ (A) \_\_\_\_\_ (B)

Prevalence Index = B/A = \_\_\_\_\_

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**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >50%

3 - Prevalence Index is ≤3.0<sup>1</sup>

4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

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**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

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**Hydrophytic Vegetation Present?** Yes  No

Remarks: (include photo numbers here or on a separate sheet.)

Wetland 2 is a highly disturbed area. Japanese Knotweed (*Fallopia japonica*, invasive, non-native) is dominant (90% coverage) in the upland area around wetland 2.



**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: UH-NERC City/County: Stratford Sampling Date: 11/11/2013  
 Applicant/Owner: UI State: CT Sampling Point: Upland 2  
 Investigator(s): RKH Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 0  
 Subregion (LRR or MLRA): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Remarks: (Explain alternative procedures here or in a separate report.)  
 Upland 2 is located adjacent to the Metro North Railway in an area where fill material was placed.

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply)		<b>Secondary Indicators (minimum of two required)</b>	
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)	
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)	
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)	
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)	
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)	
		<input type="checkbox"/> FAC-Neutral Test (D5)	
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____		Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks: No wetland hydrology indicators were met. Soil was well drained at sample point. This is a non-wetland sample point.			

**VEGETATION – Use scientific names of plants.**

Sampling Point: Upland 2

Tree Stratum (Plot size: <u>30 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <u>Acer rubrum</u>	<u>30</u>	<u>Y</u>	<u>FAC</u>	Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A)
2. _____				Total Number of Dominant Species Across All Strata: <u>2</u> (B)
3. _____				Percent of Dominant Species That Are OBL, FACW, or FAC: <u>50</u> (AB)
4. _____				<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B)  Prevalence Index = B/A = _____
5. _____				
6. _____				
7. _____				
<u>30</u> = Total Cover				
<b>Sapling/Shrub Stratum (Plot size: <u>15 feet</u> )</b>				
1. <u>None</u>				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
_____ = Total Cover				
<b>Herb Stratum (Plot size: <u>5 feet</u> )</b>				
1. <u>Fallopia japonica</u>	<u>90</u>	<u>Y</u>	<u>FACU</u>	<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
12. _____				
<u>90</u> = Total Cover				
<b>Woody Vine Stratum (Plot size: <u>30 feet</u> )</b>				
1. <u>None</u>				<b>Definitions of Vegetation Strata:</b>  <b>Tree</b> – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  <b>Sapling/shrub</b> – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.  <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  <b>Woody vines</b> – All woody vines greater than 3.28 ft in height.
2. _____				
3. _____				
4. _____				
_____ = Total Cover				
Remarks: (include photo numbers here or on a separate sheet.) Hydrophytic vegetation is not present at the upland sample point and is considered non-wetland				



**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: UI-NERC (Cat 894) City/County: Stratford Sampling Date: 11/11/2013  
 Applicant/Owner: UI State: \_\_\_\_\_ Sampling Point: Wetland 3  
 Investigator(s): RKH Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): concave Slope (%): 0  
 Subregion (LRR or MLRA): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: PEM

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, optional Wetland Site ID: <u>Wetland 3</u>
Remarks: (Explain alternative procedures here or in a separate report.) Wetland 3 is located between a man-made berm and commercial property to the south and the side slope to the Metro North railway to the north.	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input checked="" type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input checked="" type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input checked="" type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks: Wetland 3 meets two primary and two secondary hydric soil indicators: Presence of reduced iron, hydrogen sulfide odor, geomorphic position and microtopographic relief.	

**VEGETATION** – Use scientific names of plants.

Sampling Point: Wetland 3

Tree Stratum (Plot size: <u>30 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. None			
2.			
3.			
4.			
5.			
6.			
7.			
_____ = Total Cover			
Sapling/Shrub Stratum (Plot size: <u>15 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Rosa multiflora</i>	20	Y	FACU
2. <i>Viburnum dentatum</i>	10	Y	FAC
3.			
4.			
5.			
6.			
7.			
_____ = Total Cover			
Herb Stratum (Plot size: <u>5 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Phragmites australis</i>	75	Y	FACW
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
_____ = Total Cover			
Woody Vine Stratum (Plot size: <u>30 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2. None			
3.			
4.			
_____ = Total Cover			

<b>Dominance Test worksheet:</b>	
Number of Dominant Species That Are OBL, FACW, or FAC:	<u>3</u> (A)
Total Number of Dominant Species Across All Strata:	<u>3</u> (B)
Percent of Dominant Species That Are OBL, FACW, or FAC:	<u>100</u> (AB)
<b>Prevalence Index worksheet:</b>	
Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals:	(A) _____ (B) _____
Prevalence Index = B/A = _____	
<b>Hydrophytic Vegetation Indicators:</b>	
<input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation	
<input checked="" type="checkbox"/> 2 - Dominance Test is >50%	
<input type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup>	
<input type="checkbox"/> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)	
<input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)	
<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
<b>Definitions of Vegetation Strata:</b>	
<b>Tree</b> – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.	
<b>Sapling/shrub</b> – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.	
<b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.	
<b>Woody vines</b> – All woody vines greater than 3.28 ft in height.	
Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Remarks: (include photo numbers here or on a separate sheet.)  
 Wetland 3 meets the hydrophytic vegetation criteria and dominance test.



**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: UH-NERC (Cat 894) City/County: Stratford Sampling Date: 11/11/2013  
 Applicant/Owner: UI State: CT Sampling Point: Upland 3  
 Investigator(s): RKH Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): backslope Local relief (concave, convex, none): none Slope (%): 10  
 Subregion (LRR or MLRA): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.) Upland 3 is located on a berm between a commercial lot and wetland 3.	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks: No wetland hydrology indicators were met. Soil was well drained at sample point. This is a non-wetland sample point.	





**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: UH-NERC (Cat 926-931) City/County: Stratford Sampling Date: 11/13/2013  
 Applicant/Owner: UI State: CT Sampling Point: Wetland 4  
 Investigator(s): RKH Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): concave Slope (%): 0  
 Subregion (LRR or MLRA): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: PFO

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, optional Wetland Site ID: <u>Wetland 4</u>
Remarks: (Explain alternative procedures here or in a separate report.) Wetland 4 is transected by a partially abandoned road used as a foot path.	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input checked="" type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input checked="" type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input checked="" type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input checked="" type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks: Wetland 4 meets two primary and two secondary hydric soil indicators: Presence of reduced iron, inundation visible on aerial imagery, geomorphic position and microtopographic relief.	





**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: UH-NERC (Cat 926-931) City/County: Stratford Sampling Date: 11/13/2013  
 Applicant/Owner: UI State: CT Sampling Point: Upland 4  
 Investigator(s): RKH Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): footslope Local relief (concave, convex, none): none Slope (%): 1  
 Subregion (LRR or MLRA): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.) Upland 4 is located adjacent to an abandoned road.	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks: No wetland hydrology indicators were met. Soil was well drained at sample point. This is a non-wetland sample point.	

**VEGETATION – Use scientific names of plants.**

Sampling Point: Upland 4

Tree Stratum (Plot size: <u>30 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1. <u>Fagus grandifolia</u>	60	Y	FACU	Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A)  Total Number of Dominant Species Across All Strata: <u>3</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (AB)	
2. <u>Prunus serotina</u>	10		FACU		
3. _____					
4. _____					
5. _____					
6. _____					
7. _____					
<u>70</u> = Total Cover				<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B)  Prevalence Index = B/A = _____	
Sapling/Shrub Stratum (Plot size: <u>15 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status		Hydrophytic Vegetation Indicators:
1. <u>Euonymus alatus</u>	15	Y	UPL		<input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
2. _____					
3. _____					
4. _____					
5. _____					
6. _____					
7. _____					
<u>15</u> = Total Cover				<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.  <b>Definitions of Vegetation Strata:</b> Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vines – All woody vines greater than 3.28 ft in height.	
Herb Stratum (Plot size: <u>5 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status		Hydrophytic Vegetation Present?
1. <u>Berberis thunbergii</u>	10	Y	UPL		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
2. _____					
3. _____					
4. _____					
5. _____					
6. _____					
7. _____					
<u>10</u> = Total Cover				Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Woody Vine Stratum (Plot size: <u>30 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status		Remarks: (include photo numbers here or on a separate sheet.)
1. <u>None</u>					Hydrophytic vegetation is not present at the upland sample point and is considered non-wetland
2. _____					
3. _____					
4. _____					
5. _____					
6. _____					
7. _____					



**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: UI-NERC (Cat 968) City/County: Millford Sampling Date: 11/13/2013  
 Applicant/Owner: UI State: CT Sampling Point: Wetland 5  
 Investigator(s): RKH Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): concave Slope (%): 0  
 Subregion (LRR or MLRA): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: PSS

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, optional Wetland Site ID: <u>Wetland 5</u>
Hydric Soil Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Wetland Hydrology Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Remarks: (Explain alternative procedures here or in a separate report.)			

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b>		<b>Secondary Indicators (minimum of two required):</b>	
<b>Primary Indicators (minimum of one is required; check all that apply)</b>			
<input checked="" type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)	
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)	
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)	
<input type="checkbox"/> Water Marks (B1)	<input checked="" type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)	
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input checked="" type="checkbox"/> Geomorphic Position (D2)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)	
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input checked="" type="checkbox"/> Microtopographic Relief (D4)	
		<input type="checkbox"/> FAC-Neutral Test (D5)	
<b>Field Observations:</b>			
Surface Water Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>1"</u>	<b>Wetland Hydrology Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Water Table Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>0"</u>		
Saturation Present? (includes capillary fringe)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>0"</u>		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks: Wetland 5 meets four primary and two secondary hydric soil indicators: Surface Water, high water table, saturation, geomorphic position and microtopographic relief.			

**VEGETATION – Use scientific names of plants.**

Sampling Point: Wetland 5

	Absolute % Cover	Dominant Species?	Indicator Status	
<b>Tree Stratum</b> (Plot size: <u>30 feet</u> )				
1. None				
2.				
3.				
4.				
5.				
6.				
7.				
	_____ = Total Cover			
<b>Sapling/Shrub Stratum</b> (Plot size: <u>15 feet</u> )				
1. <i>Cephalanthus occidentalis</i>	60	Y	OBL	
2. <i>Alnus incana</i>	40	Y	FACW	
3.				
4.				
5.				
6.				
7.				
	100 = Total Cover			
<b>Herb Stratum</b> (Plot size: <u>5 feet</u> )				
1.				
2. None				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
	_____ = Total Cover			
<b>Woody Vine Stratum</b> (Plot size: <u>30 feet</u> )				
1.				
2. None				
3.				
4.				
	_____ = Total Cover			

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (AB)

---

**Prevalence Index worksheet:**

Total % Cover of: \_\_\_\_\_ Multiply by:

OBL species \_\_\_\_\_ x 1 = \_\_\_\_\_

FACW species \_\_\_\_\_ x 2 = \_\_\_\_\_

FAC species \_\_\_\_\_ x 3 = \_\_\_\_\_

FACU species \_\_\_\_\_ x 4 = \_\_\_\_\_

UPL species \_\_\_\_\_ x 5 = \_\_\_\_\_

Column Totals: \_\_\_\_\_ (A) \_\_\_\_\_ (B)

Prevalence Index = B/A = \_\_\_\_\_

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**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >50%

3 - Prevalence Index is ≤3.0<sup>1</sup>

4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

---

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

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**Hydrophytic Vegetation Present?** Yes  No

Remarks: (include photo numbers here or on a separate sheet.)

Wetland 5 meets the hydrophytic vegetation criteria, Rapid test and dominance test.



**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: UI-NERC (Cat 968) City/County: Millford Sampling Date: 11/13/2013  
 Applicant/Owner: UI State: CT Sampling Point: Upland 5  
 Investigator(s): RKH Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): 0  
 Subregion (LRR or MLRA): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		If yes, optional Wetland Site ID: _____	
Wetland Hydrology Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		Remarks: (Explain alternative procedures here or in a separate report.)	

Upland 5 is located adjacent to a disturbed area near the Metro North railway, berms and a weir.

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply)		<b>Secondary Indicators (minimum of two required)</b>	
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Moss Trim Lines (B16)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Crayfish Burrows (C8)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Stunted or Stressed Plants (D1)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Shallow Aquitard (D3)	<input type="checkbox"/> Microtopographic Relief (D4)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> FAC-Neutral Test (D5)	
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)		
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)		
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)			
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____		Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks: No wetland hydrology indicators were met. Soil was well drained at sample point. This is a non-wetland sample point.			

**VEGETATION – Use scientific names of plants.**

Sampling Point: Upland 5

Tree Stratum (Plot size: <u>30 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Prunus serotina</u>	40	Y	FACU	
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
	40 = Total Cover			
Sapling/Shrub Stratum (Plot size: <u>15 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Alnus incana</u>	15	Y	FACW	
2. <u>Rosa multiflora</u>	20	Y	FACU	
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
	35 = Total Cover			
Herb Stratum (Plot size: <u>5 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Fallopia japonica</u>	30	Y	UPL	
2. <u>Rosa multiflora</u>	20	Y	FACU	
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
12. _____				
	50 = Total Cover			
Woody Vine Stratum (Plot size: <u>30 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>None</u>				
2. _____				
3. _____				
4. _____				
	= Total Cover			

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (AB)

---

**Prevalence Index worksheet:**

Total % Cover of: \_\_\_\_\_ Multiply by:

OBL species \_\_\_\_\_ x 1 = \_\_\_\_\_

FACW species \_\_\_\_\_ x 2 = \_\_\_\_\_

FAC species \_\_\_\_\_ x 3 = \_\_\_\_\_

FACU species \_\_\_\_\_ x 4 = \_\_\_\_\_

UPL species \_\_\_\_\_ x 5 = \_\_\_\_\_

Column Totals: \_\_\_\_\_ (A) \_\_\_\_\_ (B)

Prevalence Index = B/A = \_\_\_\_\_

---

**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >50%

3 - Prevalence Index is ≤3.0<sup>1</sup>

4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

---

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

---

Hydrophytic Vegetation Present? Yes  No

Remarks: (include photo numbers here or on a separate sheet.)

Hydrophytic vegetation is not present at the upland sample point and is considered non-wetland



**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: UI-NERC (Cat 968) City/County: Millford Sampling Date: 11/14/2013  
 Applicant/Owner: UI State: CT Sampling Point: Wetland 6  
 Investigator(s): RKH Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): footslope Local relief (concave, convex, none): concave Slope (%): 1  
 Subregion (LRR or MLRA): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: PFO

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, optional Wetland Site ID: <u>Wetland 6</u>
Remarks: (Explain alternative procedures here or in a separate report.) <u>Flood plain area from watercourse 6</u>	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply): <input checked="" type="checkbox"/> Surface Water (A1) <input checked="" type="checkbox"/> Water-Stained Leaves (B9) <input checked="" type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input checked="" type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input checked="" type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<b>Secondary Indicators (minimum of two required):</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input checked="" type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>1"</u> Water Table Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>4"</u> Saturation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>0"</u> (includes capillary fringe)	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:  Remarks: <u>Wetland 6 meets six primary and two secondary hydric soil indicators: Surface Water, high water table, saturation, sparsley vegetated concave surface, water-stained leaves, hydrogen sulfide odor, geomorphic position and microtopographic relief.</u>	





**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: UH-NERC (Cat 968) City/County: Millford Sampling Date: 11/14/2013  
 Applicant/Owner: UI State: CT Sampling Point: Upland 6  
 Investigator(s): RKH Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): backslope Local relief (concave, convex, none): none Slope (%): 0-3  
 Subregion (LRR or MLRA): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Remarks: (Explain alternative procedures here or in a separate report.)  
 Upland 6 is located on the side slope of the Metro North railway and is fill material.

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply)		Secondary Indicators (minimum of two required)
<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____		Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks: No wetland hydrology indicators were met. Soil was well drained at sample point. This is a non-wetland sample point.		

**VEGETATION** – Use scientific names of plants.

Sampling Point: Upland 6

Tree Stratum (Plot size: <u>30 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Quercus alba</u>	30	Y	FACU	
2. <u>Acer rubra</u>	10	Y	FAC	
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
	40	= Total Cover		
<b>Sapling/Shrub Stratum (Plot size: <u>15 feet</u> )</b>				
1. <u>None</u>				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
	35	= Total Cover		
<b>Herb Stratum (Plot size: <u>5 feet</u> )</b>				
1. <u>Fallopia japonica</u>	40	Y	UPL	
2. <u>Rosa multiflora</u>	10	Y	FACU	
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
12. _____				
	50	= Total Cover		
<b>Woody Vine Stratum (Plot size: <u>30 feet</u> )</b>				
1. <u>Celastrus orbiculatus</u>	30	Y	UPL	
2. _____				
3. _____				
4. _____				
	30	= Total Cover		

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 20 (AB)

**Prevalence Index worksheet:**

Total % Cover of: \_\_\_\_\_ Multiply by:

OBL species \_\_\_\_\_ x 1 = \_\_\_\_\_

FACW species \_\_\_\_\_ x 2 = \_\_\_\_\_

FAC species \_\_\_\_\_ x 3 = \_\_\_\_\_

FACU species \_\_\_\_\_ x 4 = \_\_\_\_\_

UPL species \_\_\_\_\_ x 5 = \_\_\_\_\_

Column Totals: \_\_\_\_\_ (A) \_\_\_\_\_ (B)

Prevalence Index = B/A = \_\_\_\_\_

**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >50%

3 - Prevalence Index is ≤3.0<sup>1</sup>

4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes  No

Remarks: (include photo numbers here or on a separate sheet.)

Hydrophytic vegetation is not present at the upland sample point and is considered non-wetland



**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: UI-NERC (Cat 986) City/County: West Haven Sampling Date: 11/15/2013  
 Applicant/Owner: UI State: CT Sampling Point: Wetland 8  
 Investigator(s): RKH Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): 0  
 Subregion (LRR or MLRA): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: PFO

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, optional Wetland Site ID: <u>Wetland 8</u>
Remarks: (Explain alternative procedures here or in a separate report.) Wetland 8 is located between the Metro North railway and berm leading to a commercial property	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply): <input type="checkbox"/> Surface Water (A1) <input checked="" type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input checked="" type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<b>Secondary Indicators (minimum of two required):</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input checked="" type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks: Wetland 8 meets two primary and two secondary hydric soil indicators: water-stained leaves, presence of reduced iron, geomorphic position and microtopographic relief.	

**VEGETATION – Use scientific names of plants.**

Sampling Point: Wetland 8

Tree Stratum (Plot size: <u>30 feet</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Salix nigra</u>	80	Y	OBL	
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
	80	= Total Cover		
Sapling/Shrub Stratum (Plot size: <u>15 feet</u> )				
1. None				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
	130	= Total Cover		
Herb Stratum (Plot size: <u>5 feet</u> )				
1. <u>Rosa multiflora</u>	10	Y	FACU	
2. <u>Phragmites australis</u>	30	Y	FACW	
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
12. _____				
	40	= Total Cover		
Woody Vine Stratum (Plot size: <u>30 feet</u> )				
1. _____				
2. _____				
3. _____				
4. _____				
		= Total Cover		

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 66 (AB)

---

**Prevalence Index worksheet:**

Total % Cover of: \_\_\_\_\_ Multiply by:

OBL species \_\_\_\_\_ x 1 = \_\_\_\_\_

FACW species \_\_\_\_\_ x 2 = \_\_\_\_\_

FAC species \_\_\_\_\_ x 3 = \_\_\_\_\_

FACU species \_\_\_\_\_ x 4 = \_\_\_\_\_

UPL species \_\_\_\_\_ x 5 = \_\_\_\_\_

Column Totals: \_\_\_\_\_ (A) \_\_\_\_\_ (B)

Prevalence Index = B/A = \_\_\_\_\_

---

**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >50%

3 - Prevalence Index is ≤3.0<sup>1</sup>

4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

---

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

---

Hydrophytic Vegetation Present? Yes  No

Remarks: (include photo numbers here or on a separate sheet.)

Wetland 8 meets the hydrophytic vegetation criteria and dominance test.



**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: UI-NERC (Cat 986) City/County: West Haven Sampling Date: 11/15/2013  
 Applicant/Owner: UI State: CT Sampling Point: Upland 8  
 Investigator(s): RKH Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): backslope Local relief (concave, convex, none): none Slope (%): 5  
 Subregion (LRR or MLRA): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Remarks: (Explain alternative procedures here or in a separate report.) Upland 8 is located between wetland 8 and commercial property.	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply)		Secondary Indicators (minimum of two required)
<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____		Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks: No wetland hydrology indicators were met. Soil was well drained at sample point. This is a non-wetland sample point.		

**VEGETATION – Use scientific names of plants.**

Sampling Point: Upland 8

	Absolute % Cover	Dominant Species?	Indicator Status	
<b>Tree Stratum</b> (Plot size: <u>30 feet</u> )				
1. None				
2.				
3.				
4.				
5.				
6.				
7.				
				_____ = Total Cover
<b>Sapling/Shrub Stratum</b> (Plot size: <u>15 feet</u> )				
1. <i>Elaeagnus angustifolia</i>	90	Y		FACU
2.				
3.				
4.				
5.				
6.				
7.				
				90 _____ = Total Cover
<b>Herb Stratum</b> (Plot size: <u>5 feet</u> )				
1. None				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
				_____ = Total Cover
<b>Woody Vine Stratum</b> (Plot size: <u>30 feet</u> )				
1. None				
2.				
3.				
4.				
				_____ = Total Cover

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (AB)

---

**Prevalence Index worksheet:**

Total % Cover of: \_\_\_\_\_ Multiply by:

OBL species \_\_\_\_\_ x 1 = \_\_\_\_\_

FACW species \_\_\_\_\_ x 2 = \_\_\_\_\_

FAC species \_\_\_\_\_ x 3 = \_\_\_\_\_

FACU species \_\_\_\_\_ x 4 = \_\_\_\_\_

UPL species \_\_\_\_\_ x 5 = \_\_\_\_\_

Column Totals: \_\_\_\_\_ (A) \_\_\_\_\_ (B)

Prevalence Index = B/A = \_\_\_\_\_

---

**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >50%

3 - Prevalence Index is ≤3.0<sup>1</sup>

4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

---

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

---

**Hydrophytic Vegetation Present?** Yes  No

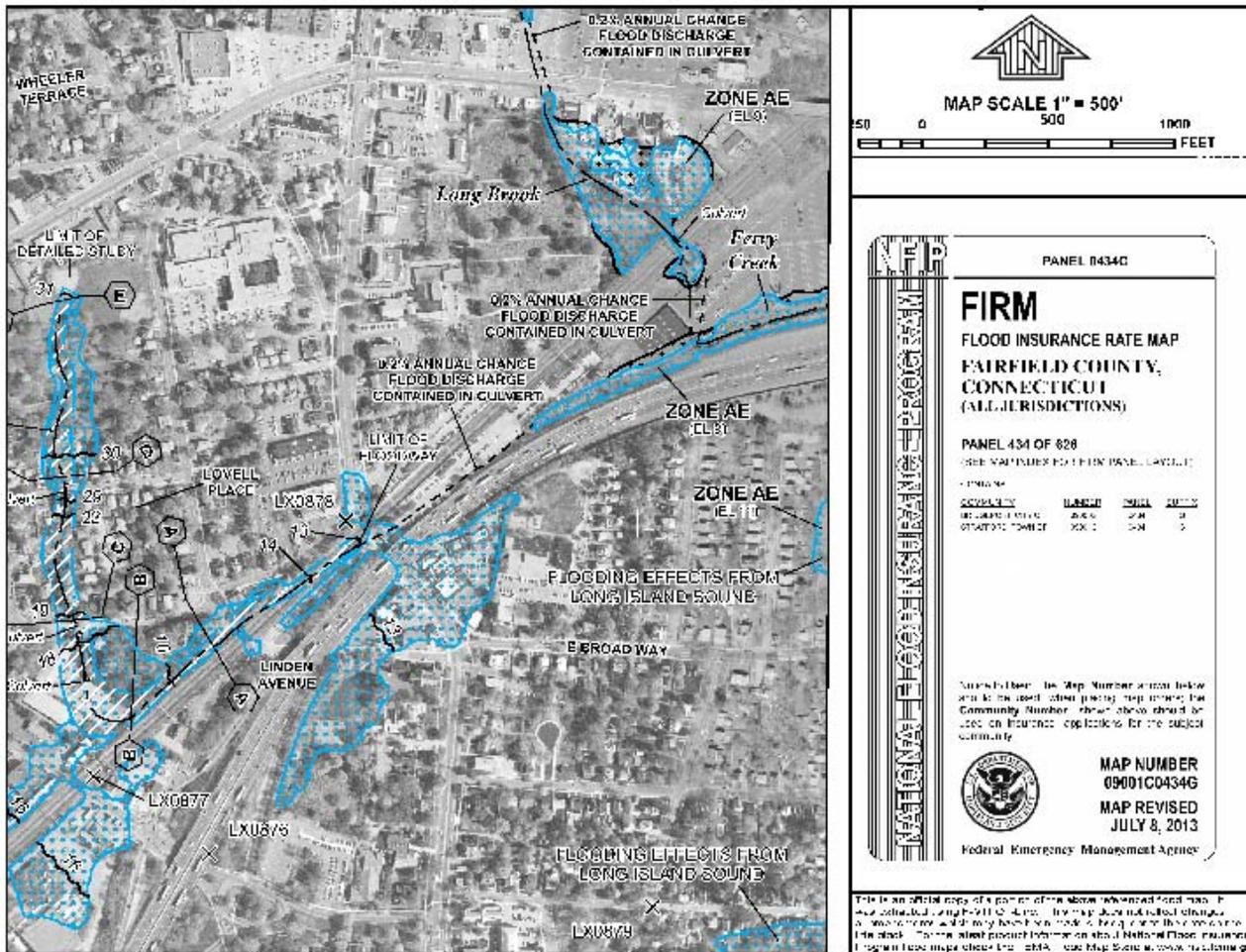
Remarks: (include photo numbers here or on a separate sheet.)

Hydrophytic vegetation is not present at the upland sample point and is considered non-wetland



## APPENDIX D

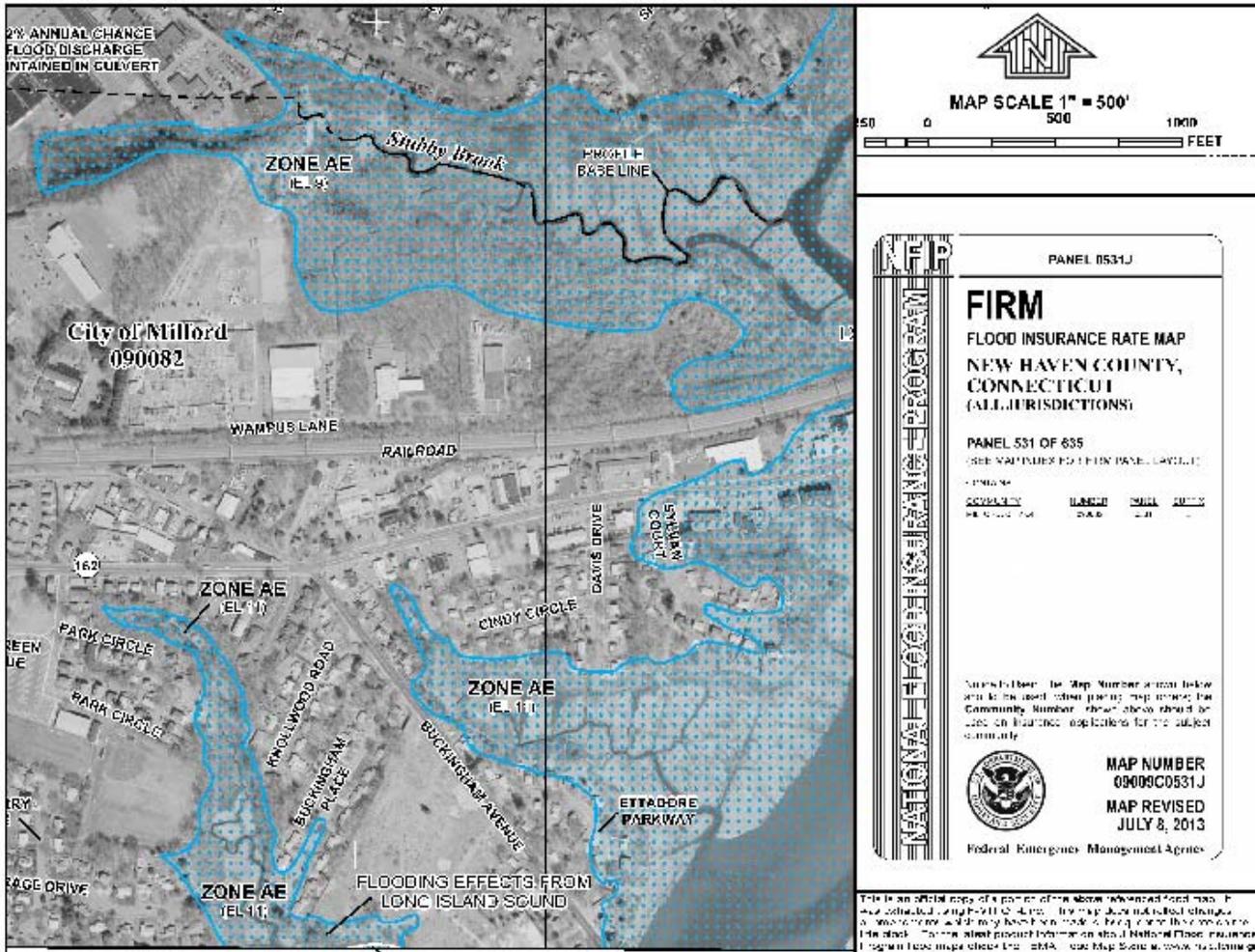




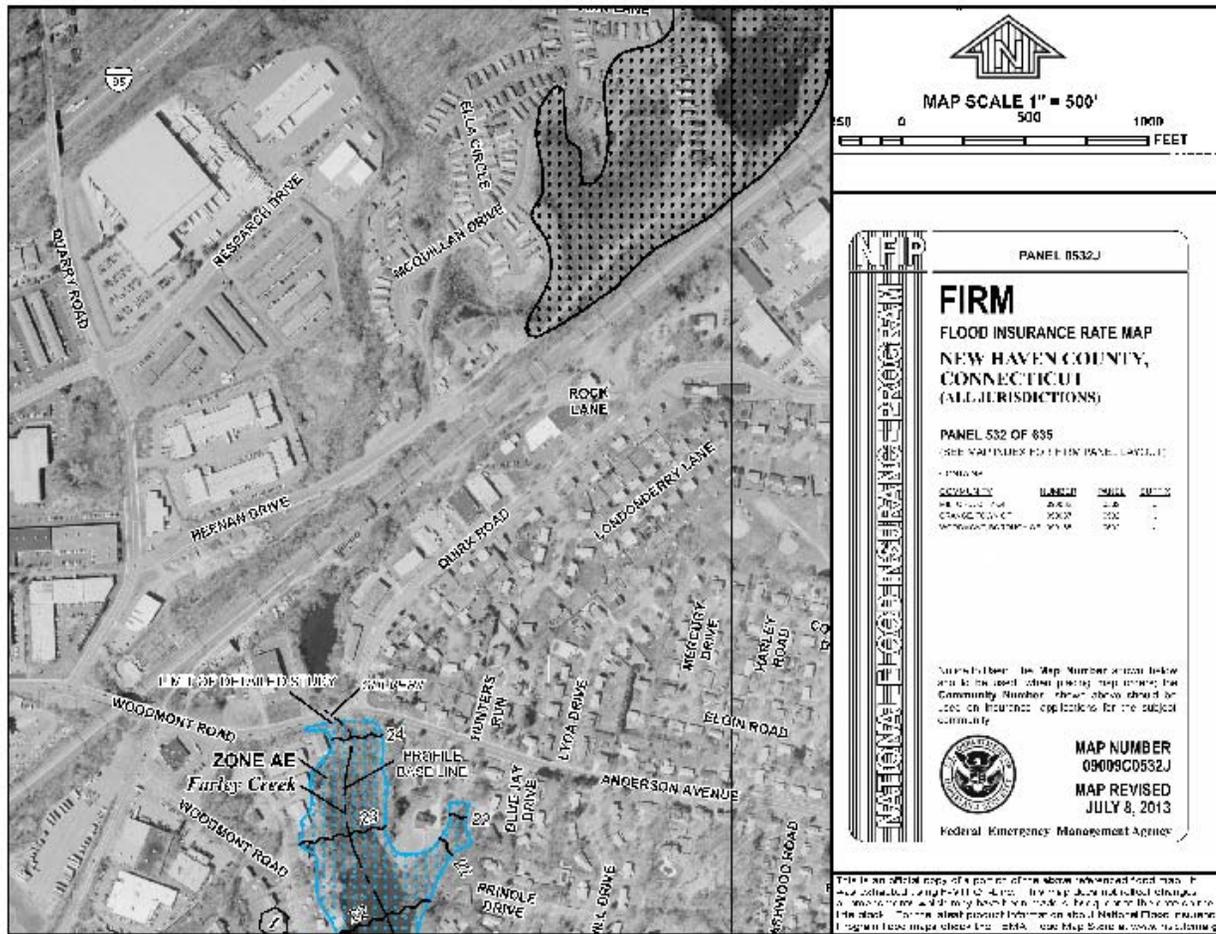
FEMA FIRM Map. Watercourse 2



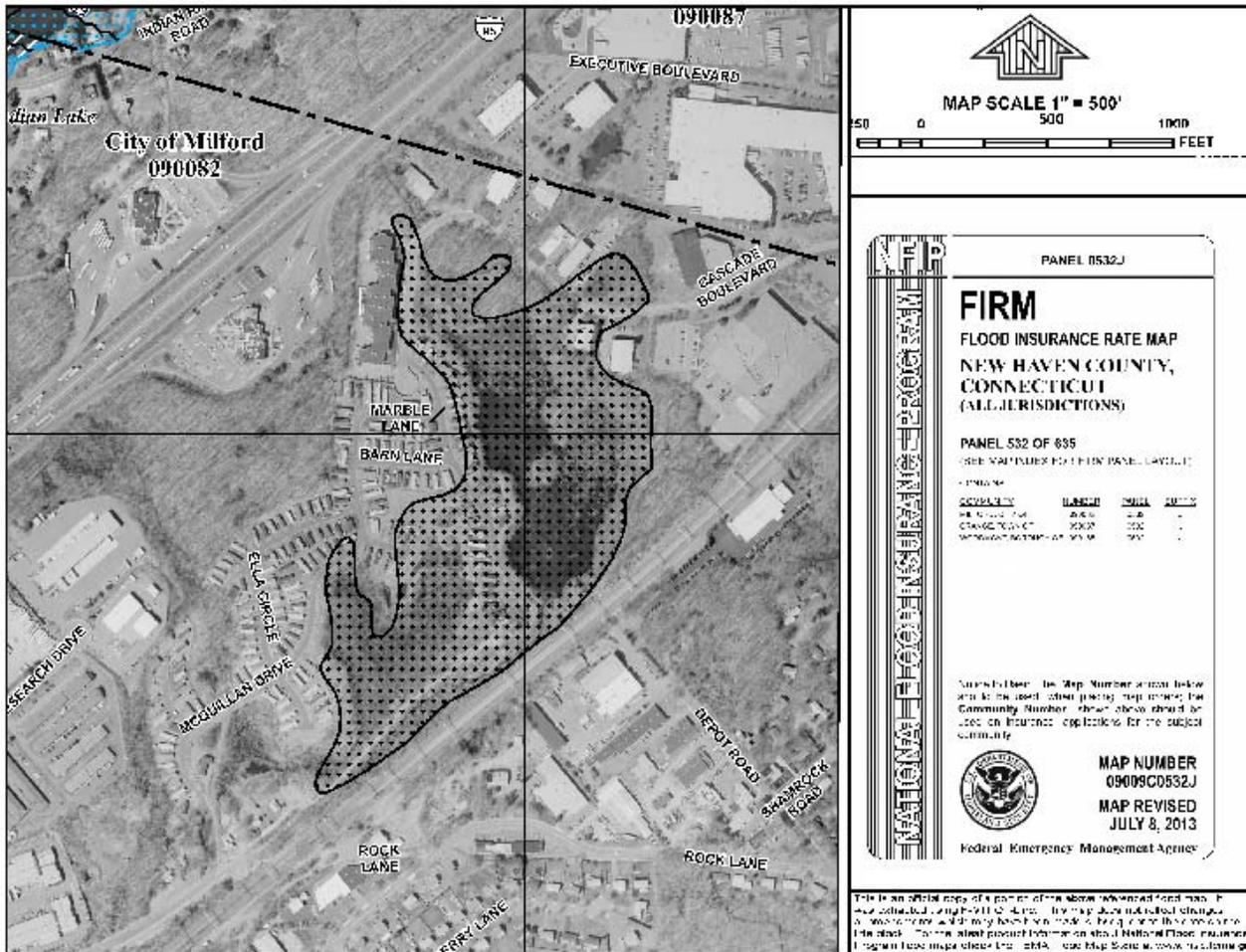
FEMA FIRM Map. Wetland 3 and Watercourse 7



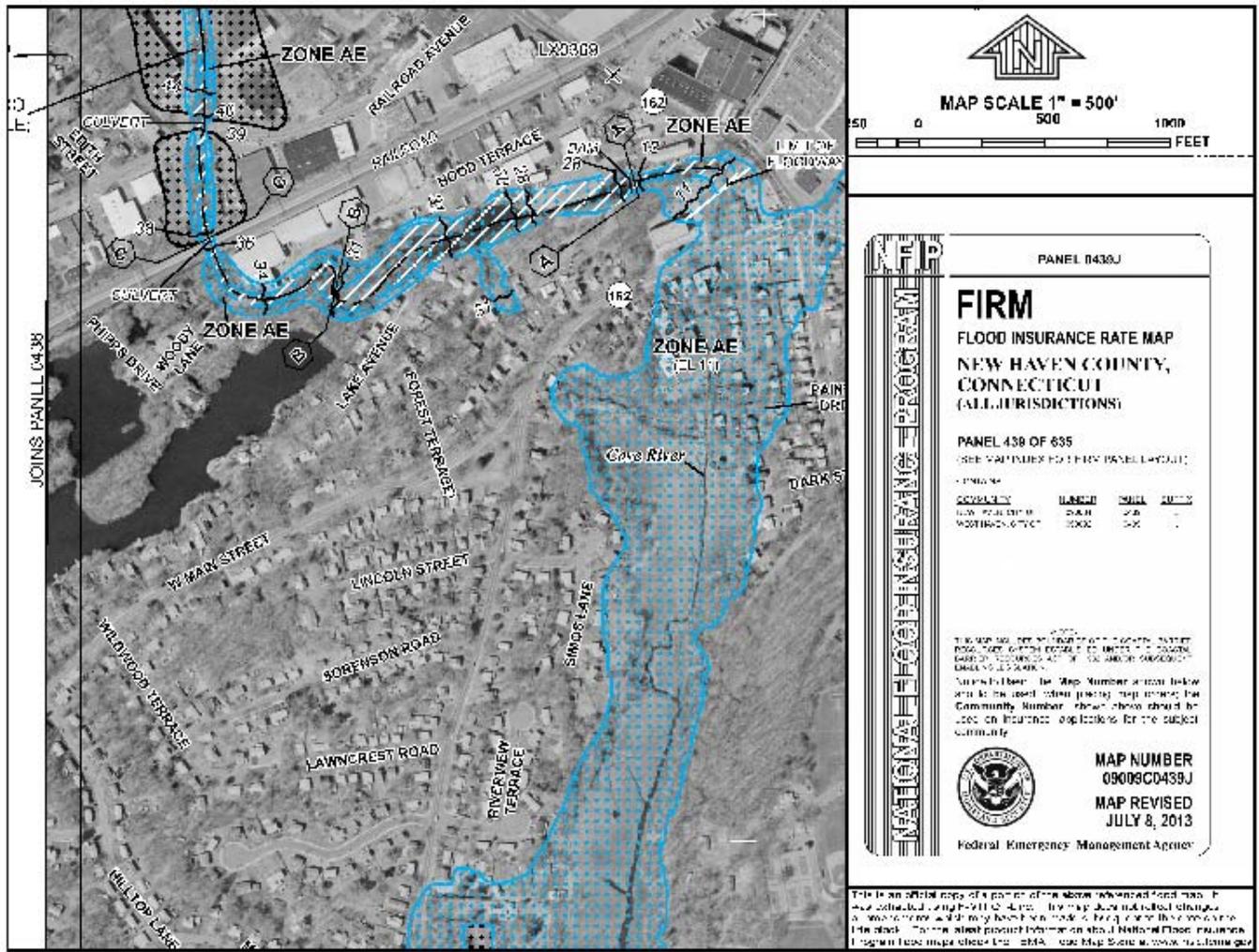
FEMA FIRM Map. Wetland 4



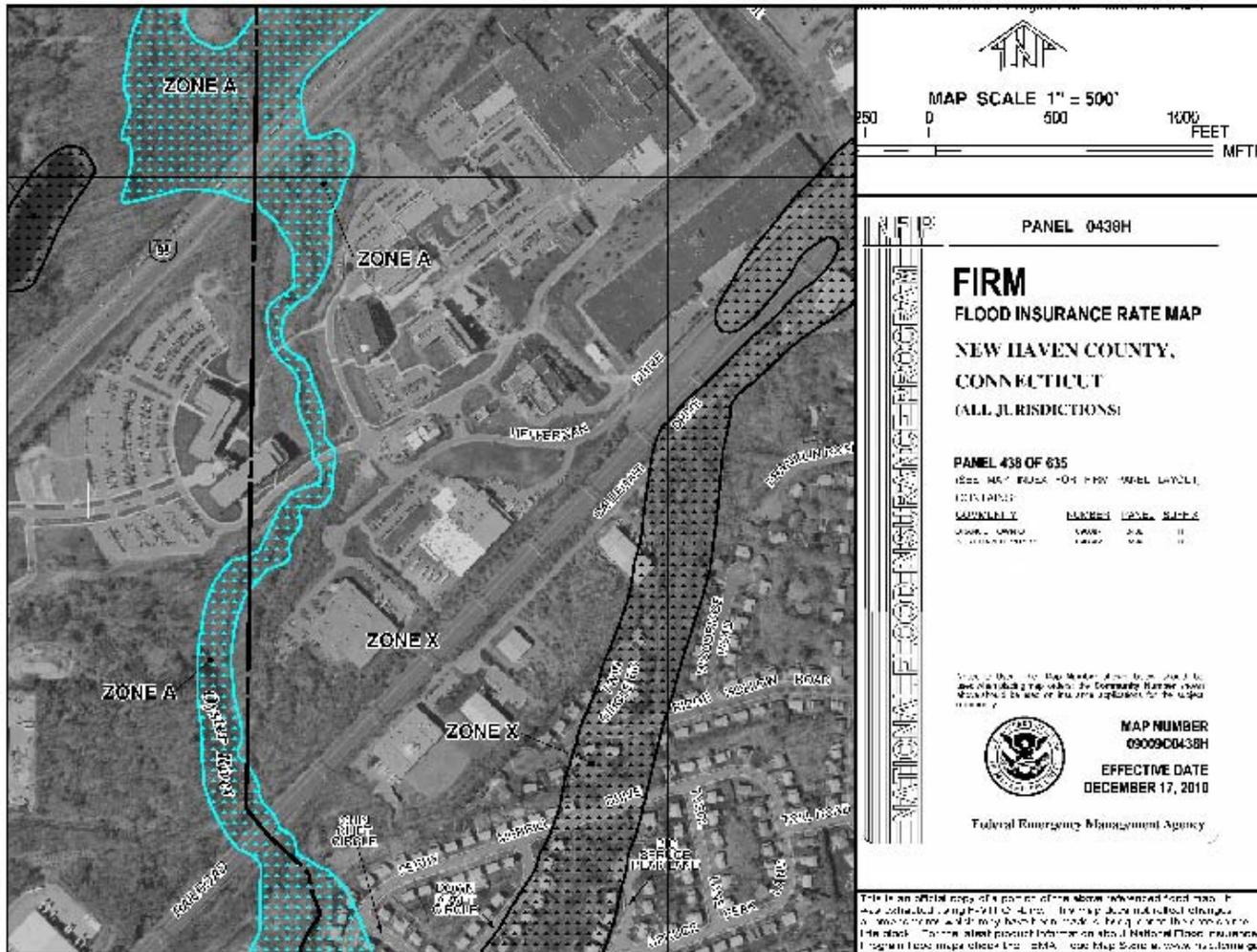
FEMA FIRM Map. Wetlands 5, 6, 9 and Watercourses 4 and 5



FEMA FIRM Map. Watercourse 6



FEMA FIRM Map. Wetland 7

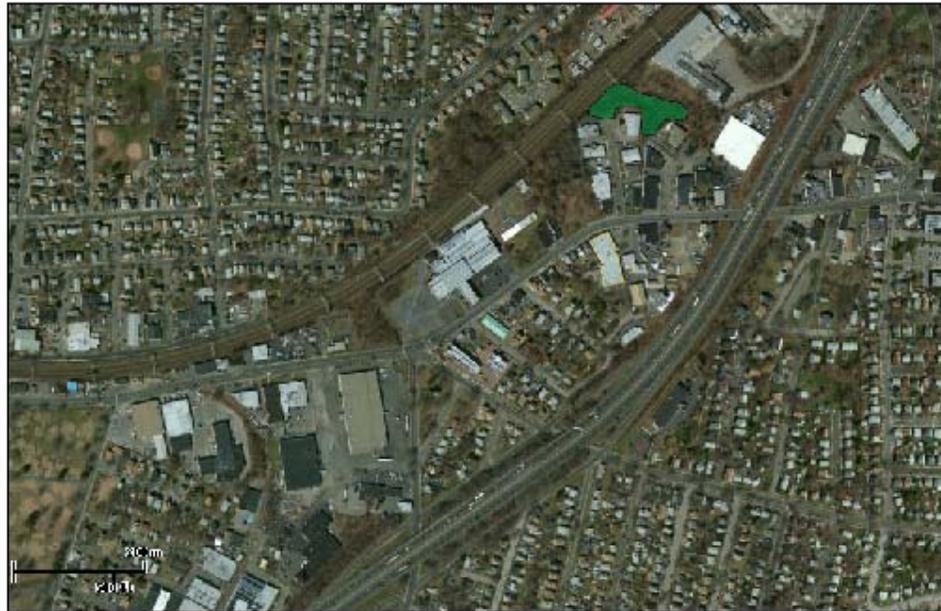


FEMA FIRM Map. Wetland 8



**U.S. Fish and Wildlife Service**  
**National Wetlands Inventory**

Feb 12, 2014



**Wetlands**

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deposition
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or correctness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

**User Remarks:**

National Wetland Inventory. Wetlands 1 and 2 and Watercourse 1



U.S. Fish and Wildlife Service

# National Wetlands Inventory

Feb 12, 2014



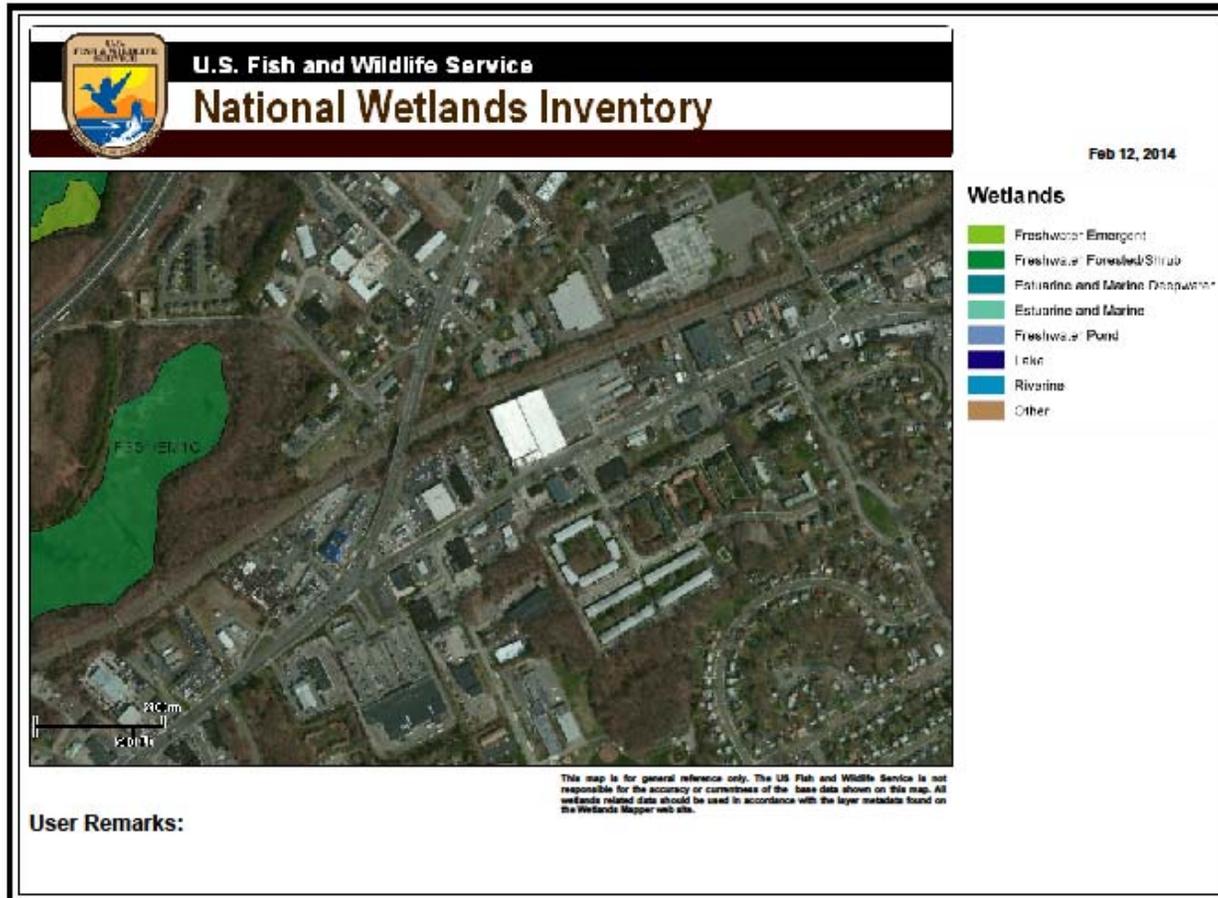
## Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or completeness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

National Wetland Inventory. Watercourse 2



National Wetland Inventory. Wetlands 3 and Watercourse 7



U.S. Fish and Wildlife Service  
National Wetlands Inventory

Feb 12, 2014



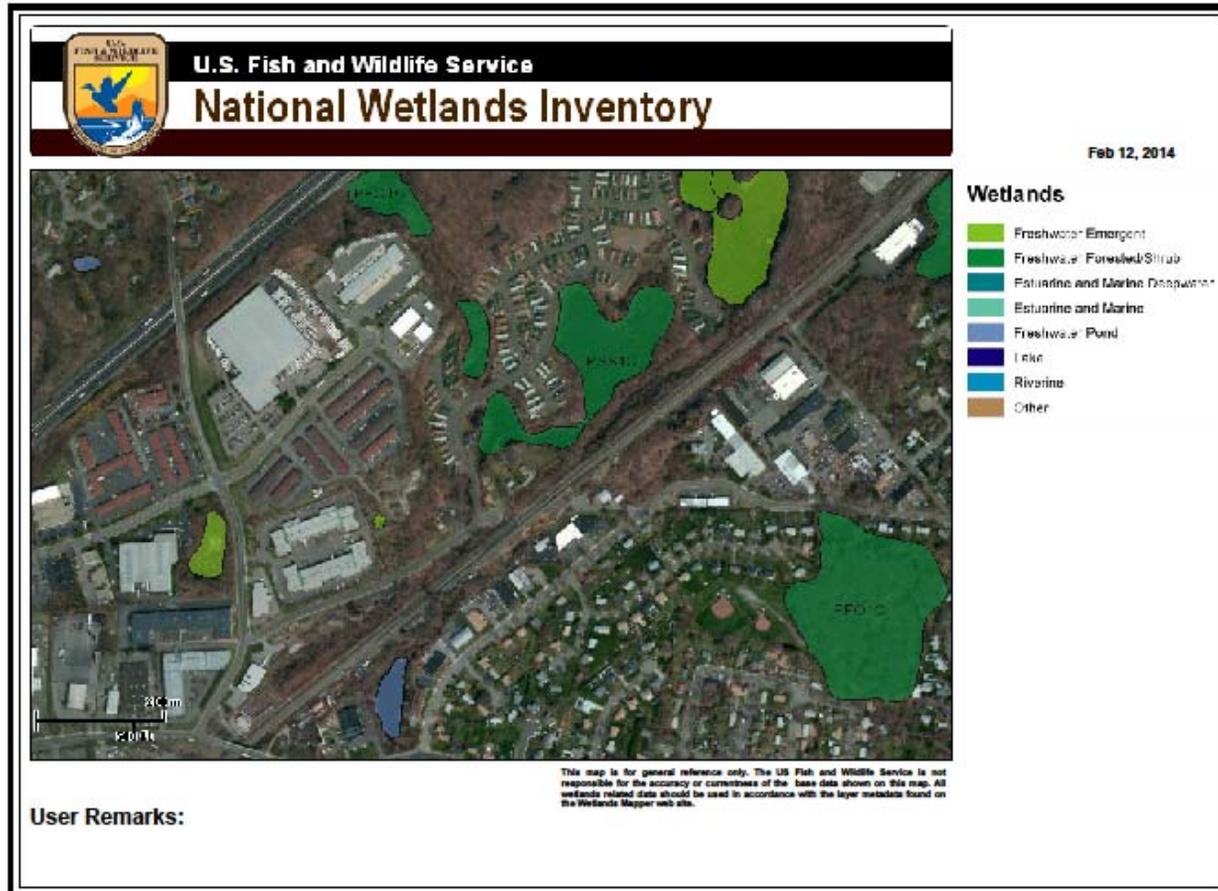
Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Disruptive
- Estuarine and Marine
- Freshwater Pond
- Lake
- Rivarine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

National Wetland Inventory. Wetlands 4 and Watercourse 3



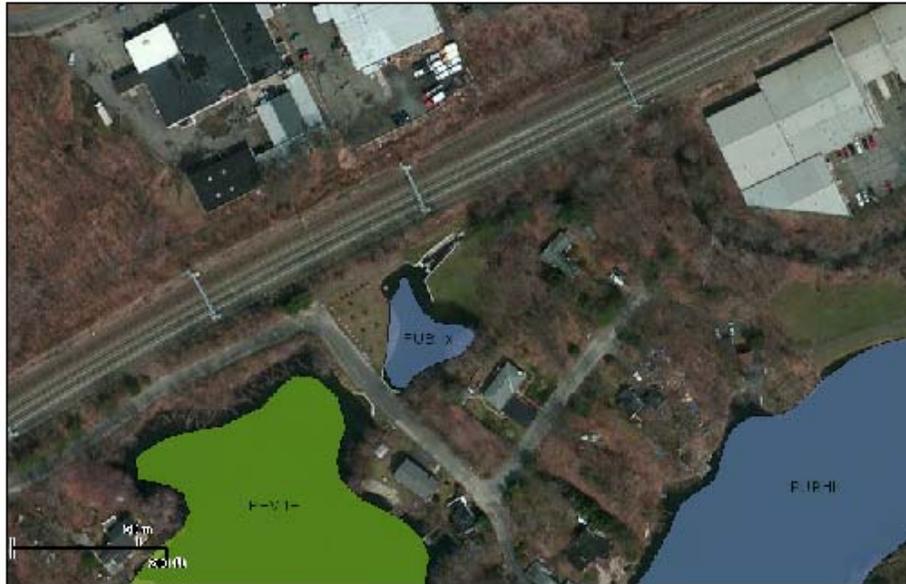
National Wetland Inventory. Wetlands 5 and 6 and Watercourses 4, 5, and 6



U.S. Fish and Wildlife Service

# National Wetlands Inventory

Feb 12, 2014



## Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Like
- Rivarine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or completeness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:



U.S. Fish and Wildlife Service  
**National Wetlands Inventory**

Feb 12, 2014



**Wetlands**

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or completeness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

**User Remarks:**



### Map Unit Legend

State of Connecticut (CT600)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
260B	Charlton-Urban land complex, 3 to 8 percent slopes	1.1	2.0%
260C	Charlton-Urban land complex, 8 to 15 percent slopes	13.3	25.0%
306	Udorthents-Urban land complex	11.1	20.9%
307	Urban land	27.7	52.1%
<b>Totals for Area of Interest</b>		<b>53.2</b>	<b>100.0%</b>



NRCS Soil Map. Watercourse 2

### Map Unit Legend

State of Connecticut (CT600)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
229B	Agawam-Urban land complex, 0 to 8 percent slopes	0.0	0.2%
306	Udorthents-Urban land complex	12.7	91.4%
307	Urban land	1.2	8.4%
<b>Totals for Area of Interest</b>		<b>13.9</b>	<b>100.0%</b>



NRCS Soil Map. Wetlands 3 and Watercourse 7

## Map Unit Legend

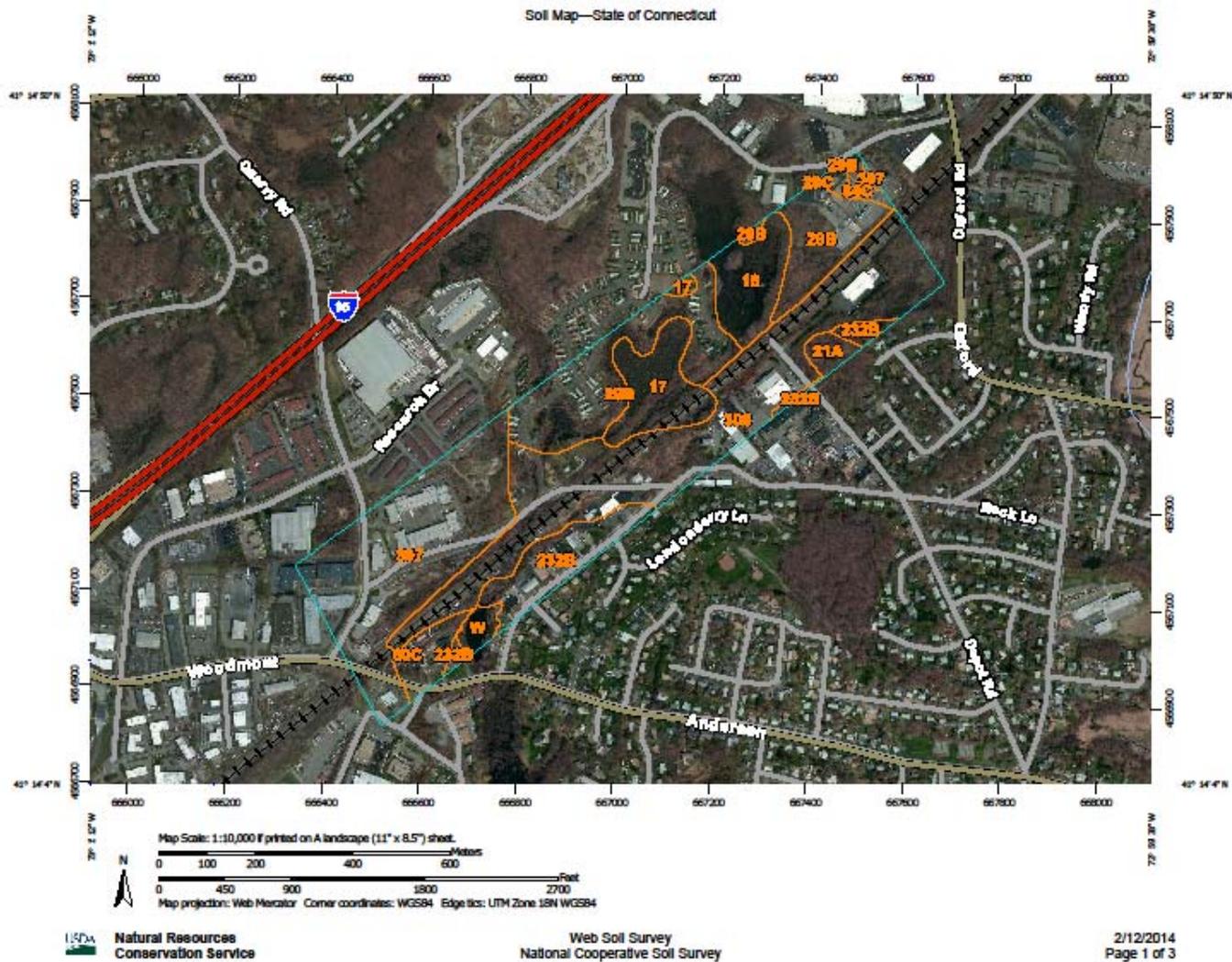
State of Connecticut (CT600)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
229B	Agawam-Urban land complex, 0 to 8 percent slopes	0.3	0.6%
260C	Charlton-Urban land complex, 8 to 15 percent slopes	0.4	0.9%
306	Udorthents-Urban land complex	8.7	17.3%
307	Urban land	40.9	81.2%
<b>Totals for Area of Interest</b>		<b>50.3</b>	<b>100.0%</b>



NRCS Soil Map. Wetland 4 and Watercourse 3

## Map Unit Legend

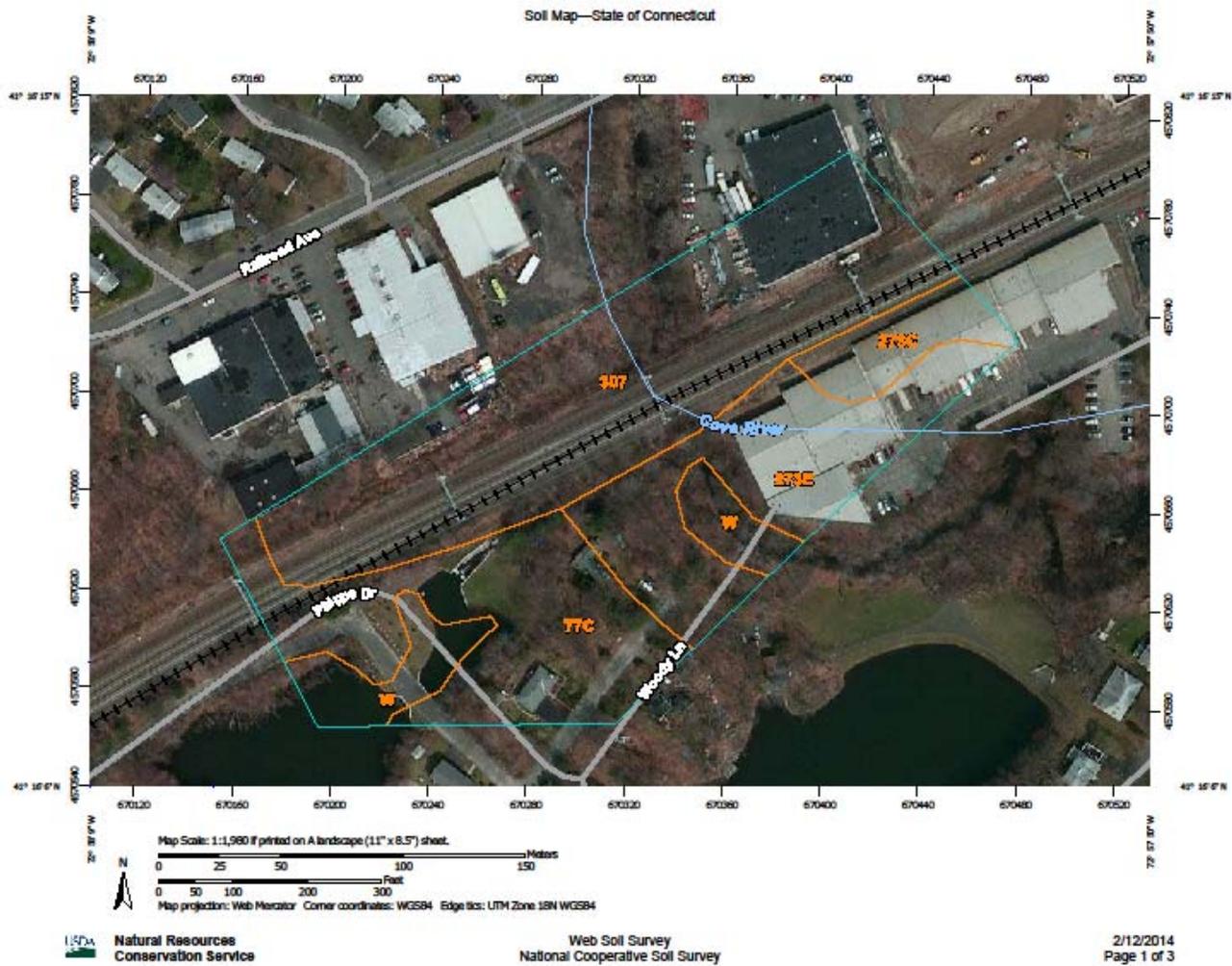
State of Connecticut (CT600)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
229B	Agawam-Urban land complex, 0 to 8 percent slopes	5.7	29.1%
308	Udorthents, smoothed	13.8	70.9%
<b>Totals for Area of Interest</b>		<b>19.5</b>	<b>100.0%</b>



NRCS Soil Map. Wetlands 5, 6 and 8 and Watercourses 4, 5, and 6

## Map Unit Legend

State of Connecticut (CT600)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
17	Timakwa and Natchaug soils	8.4	6.7%
18	Calden and Freetown soils	7.2	5.7%
21A	Ninigret and Tisbury soils, 0 to 5 percent slopes	1.6	1.3%
29B	Agawam fine sandy loam, 3 to 8 percent slopes	23.7	18.9%
29C	Agawam fine sandy loam, 8 to 15 percent slopes	0.7	0.5%
60C	Canton and Charlton soils, 8 to 15 percent slopes	3.4	2.7%
84C	Paxton and Montauk fine sandy loams, 8 to 15 percent slopes	1.1	0.9%
232B	Haven-Urban land complex, 0 to 8 percent slopes	9.1	7.3%
306	Udorthents-Urban land complex	39.4	31.4%
307	Urban land	29.3	23.3%
W	Water	1.5	1.2%
<b>Totals for Area of Interest</b>		<b>125.3</b>	<b>100.0%</b>



NRCS Soil Map. Watercourse 7

## Map Unit Legend

State of Connecticut (CT600)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
77C	Cheshire-Holyoke complex, 3 to 15 percent slopes, very rocky	2.2	23.3%
273C	Urban land-Charlton-Chatfield complex, rocky, 3 to 15 percent slopes	0.5	5.2%
273E	Urban land-Charlton-Chatfield complex, rocky, 15 to 45 percent slopes	1.9	19.8%
307	Urban land	4.2	43.8%
W	Water	0.8	7.9%
<b>Totals for Area of Interest</b>		<b>9.5</b>	<b>100.0%</b>



NRCS Soil Map. Wetland 7

### Map Unit Legend

State of Connecticut (CT600)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
29B	Agawam fine sandyloam, 3 to 8 percent slopes	0.7	3.5%
306	Udorthents-Urban land complex	20.2	96.5%
<b>Totals for Area of Interest</b>		<b>20.9</b>	<b>100.0%</b>

## Appendix E

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### Construction Sequencing



**Structure Locations 865 to 868  
694 Naugatuck Avenue  
Milford**

**DRAWING #:14219-0801 / 0801**

General Work Description:

New steel monopoles will be installed at 865N, 866N, 867N, and 868N. The following construction activities will occur with the stated durations, but may not occur on consecutive dates and may occur concurrently.

- Installation of access road/clearing – 10 Days
- Installation of foundation – 12 Days
- Installation of steel pole – 16 Days
- Installation of wire – 12 Days

**Construction Footprint**

- Occupation Area = xx square feet (694 Naugatuck Ave.)

Structure 865N:

- Vegetation/Land clearing = 3,700 square feet (MNR ROW)
- Access road = 0 square feet (694 Naugatuck Ave.)
- Work pad = 7,500 square feet 75' X 100'(MNR ROW)

Structure 866N:

- Vegetation/Land clearing = 3,600 square feet (MNR ROW)
- Access road = 0 square feet (694 Naugatuck Ave.)
- Work pad = 2,500 square feet 50' X 50'(MNR ROW)

Structure 867N:

- Vegetation/Land clearing = 4,700 square feet (MNR ROW)
- Access road = 1,200 square feet (TBD)
- Work pad = 1,600 square feet 20' X 80'(MNR ROW)

Structure 868N:

- Vegetation/Land clearing = 8,700 square feet (MNR ROW)
- Access road = 3,000 square feet (MNR ROW)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

**Road crossings**

- Naugatuck Ave.

**Structure Locations 869 to 872  
Rowe Avenue  
Milford**

**DRAWING #:14219-0802 / 0802**

General Work Description:

New steel monopoles will be installed at 869N, 870N, 871N, and 872N. The following construction activities will occur with the stated durations, but may not occur on consecutive dates and may occur concurrently.

- Installation of access road/clearing – 5 Days
- Installation of foundation – 12 Days
- Installation of steel pole – 16 Days
- Installation of wire – 12 Days

**Construction Footprint**

- Occupation Area = xx square feet (Rowe Ave.)

Structure 869N:

- Vegetation/Land clearing = 6,000 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

Structure 870N:

- Vegetation/Land clearing = 0 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

Structure 871N:

- Vegetation/Land clearing = 4,100 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

Structure 872N:

- Vegetation/Land clearing = 5,600 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50'(MNR ROW)

**Road crossings**

- None

**Structure Locations 873 to 876  
Rowe Avenue  
Milford**

**DRAWING #:14219-0803 / 0803**

General Work Description:

New steel monopoles will be installed at 873N, 874N, 875N, and 876N. The following construction activities will occur with the stated durations, but may not occur on consecutive dates and may occur concurrently.

- Vegetation clearing – 10 Days
- Installation of foundation – 12 Days
- Installation of steel pole – 16 Days
- Installation of wire – 12 Days

**Construction Footprint**

- Occupation Area = xx square feet (MNR ROW)

Structure 873N:

- Vegetation/Land clearing = 0 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50'(MNR ROW)

Structure 874N:

- Vegetation/Land clearing = 7,400 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50'(MNR ROW)

Structure 875N:

- Vegetation/Land clearing = 10,800 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50'(MNR ROW)

Structure 876N:

- Vegetation/Land clearing = 11,000 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50'(MNR ROW)

**Road crossings**

- None

**Structure Locations 877 to 880  
Rowe Avenue & Schoolhouse Road  
Milford**

**DRAWING #:14219-0804 / 0804**

General Work Description:

New steel monopoles will be installed at 877N, 878N, 879N, and 880N. The following construction activities will occur with the stated durations, but may not occur on consecutive dates and may occur concurrently.

- Installation of access road/clearing – 15 Days
- Installation of foundation – 12 Days
- Installation of steel pole – 16 Days
- Installation of wire – 12 Days

**Construction Footprint**

- Occupation Area = xx square feet (MNR ROW)

Structure 877N:

- Vegetation/Land clearing = 12,000 square feet (MNR ROW)
- Access road = 4,400 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50'(MNR ROW)

Structure 878N:

- Vegetation/Land clearing = 11,700 square feet (MNR ROW)
- Access road = 3,900 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50'(MNR ROW)

Structure 879N:

- Vegetation/Land clearing = 8,800 square feet (MNR ROW)
- Access road = 950 square feet (MNR ROW)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

Structure 880N:

- Vegetation/Land clearing = 1,600 square feet (Milford Reservoir)  
= 22,200 square feet (MNR ROW)
- Access road = 750 square feet (MNR ROW)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

**Road crossings**

- Interstate 95

**Structure Locations 879 to 884  
Schoolhouse Road  
Milford**

**DRAWING #:14219-0805 / 0805**

General Work Description:

New steel monopoles will be installed at 882AN and 884N. New hardware and wire will be installed at TP883N and TP884N. The following construction activities will occur with the stated durations, but may not occur on consecutive dates and may occur concurrently.

- Installation of access road/clearing – 20 Days
- Installation of foundation – 6 Days
- Installation of steel pole – 8 Days
- Installation of wire – 15 Days

**Construction Footprint**

- Occupation Area = xx square feet (MNR ROW)

Structure 882AN:

- Vegetation/Land clearing = 5,000 square feet (Milford Reservoir)  
= 24,400 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 2,500 square feet 50' X 50'(MNR ROW)

Structure TP883N:

- Access road = 1,800 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50'(MNR ROW)

Structure TP884N:

- Access road = 950 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50'(MNR ROW)

Structure 884N:

- Vegetation/Land clearing = 18,600 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 2,500 square feet 50' X 50'(MNR ROW)

**Road crossings**

- Schoolhouse Road

**Structure Locations 886 to Milvon  
675 West Avenue  
Milford**

**DRAWING #:14219-0806 / 0806**

General Work Description:

New steel monopoles will be installed at 886N, 887ANN, and 887ANS. STR "A" and STR "B" will be removed. The following construction activities will occur with the stated durations, but may not occur on consecutive dates and may occur concurrently.

- Installation of access road/clearing – 25 Days
- Installation of foundation – 6 Days
- Installation of steel pole – 8 Days
- Installation of wire – 15 Days

**Construction Footprint**

- Occupation Area = xx square feet (MNR ROW)

Structure 886N:

- Vegetation/Land clearing = 23,700 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 2,500 square feet 50' X 50' (MNR ROW)

Structure 887ANN:

- Vegetation/Land clearing = 20,600 square feet (MNR ROW)
- Access road = 600 square feet (MNR ROW)
- Work pad = 3,500 square feet 20' X 50' & 50' X 50' (MNR ROW)

Structure "A":

- Work pad = 1,000 square feet 20' X 50' (MNR ROW)

Structure 887ANS & Structure "B":

- Vegetation/Land clearing = 2,900 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 2,500 square feet 50' X 50' (MNR ROW)
- Wetland Impact = 1,100 square feet (MNR ROW & UI Property)

**Road crossings**

- None

**Stringing Site Location**  
**675 West Avenue**  
**Milford**

**DRAWING #:14219-0807 / 0807**

General Work Description:

Existing access road use and maintenance for construction access to structures TP884N, 884N, 886N, 887ANN, and STR "A", and the stringing site. The following construction activities will occur with the stated durations, but may not occur on consecutive dates and may occur concurrently.

- Installation of access road/clearing – 10 Days

**Construction Footprint**

- Occupation Area = xx square feet (MNR ROW)

**Stringing Site:**

- Vegetation/Land clearing = 5,300 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 2,500 square feet 25' X 100'(MNR ROW)

**Road crossings**

- None

**Structure Locations 865 to 867  
694 Naugatuck Avenue  
Milford**

**DRAWING #:14220-0801 / 0808**

General Work Description:

New steel monopoles will be installed at 864BSN, 864BSS, 865ES, 866S, and 867S. The following construction activities will occur with the stated durations, but may not occur on consecutive dates and may occur concurrently.

- Installation of access road/clearing – 10 Days
- Installation of foundation – 15 Days
- Installation of steel pole – 20 Days
- Installation of wire – 15 Days

**Construction Footprint**

- Occupation Area = xx square feet (694 Naugatuck Ave.)
- Occupation Area = xx square feet (Naugatuck Ave.)

Structure 864BSN:

- Access road = 0 square feet (694 Naugatuck Ave.)
- Work pad = 7,500 square feet 75' X 100'(MNR ROW)

Structure 864BSS:

- Vegetation/Land clearing = 5,700 square feet (MNR ROW)
- Access road = 0 square feet (Naugatuck Ave.)
- Work pad = 4,375 square feet 35' X 125'(MNR ROW)

Structure 865ES:

- Vegetation/Land clearing = 4,000 square feet (MNR ROW)
- Access road = 0 square feet (Naugatuck Ave.)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

Structure 866S:

- Vegetation/Land clearing = 11,600 square feet (MNR ROW)
- Access road = 0 square feet (Naugatuck Ave.)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

Structure 867S:

- Vegetation/Land clearing = 3,100 square feet (MNR ROW)
- Access road = 0 square feet (Naugatuck Ave.)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

**Road crossings**

- Naugatuck Ave.

**Structure Locations 868 to 871  
Naugatuck Avenue  
Milford**

**DRAWING #:14220-0802 / 0809**

General Work Description:

New steel monopoles will be installed at 868S, 869S, 870S, and 871S. The following construction activities will occur with the stated durations, but may not occur on consecutive dates and may occur concurrently.

- Installation of access road/clearing – 10 Days
- Installation of foundation – 12 Days
- Installation of steel pole – 16 Days
- Installation of wire – 12 Days

**Construction Footprint**

- Occupation Area = xx square feet (Naugatuck Ave.)

**Structure 868S:**

- Vegetation/Land clearing = 5,600 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 2,500 square feet 50' X 50' (MNR ROW & State ROW)

**Structure 869S:**

- Vegetation/Land clearing = 9,700 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 2,500 square feet 50' X 50' (MNR ROW & State ROW)

**Structure 870S:**

- Vegetation/Land clearing = 10,500 square feet (MNR ROW)
- Access road = 950 square feet (MNR ROW)
- Work pad = 2,500 square feet 50' X 50' (MNR ROW & State ROW)

**Structure 871S:**

- Vegetation/Land clearing = 16,900 square feet (MNR ROW)
- Access road = 8,200 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50' (MNR ROW)

**Road crossings**

- None

**Structure Locations 872 to 875  
Rowe Avenue  
Milford**

**DRAWING #:14220-0803 / 0810**

General Work Description:

New steel monopoles will be installed at 872S, 873S, 874S, and 875S. The following construction activities will occur with the stated durations, but may not occur on consecutive dates and may occur concurrently.

- Vegetation clearing – 15 Days
- Installation of foundation – 12 Days
- Installation of steel pole – 16 Days
- Installation of wire – 12 Days

**Construction Footprint**

- Occupation Area = xx square feet (MNR ROW)

**Structure 872S:**

- Vegetation/Land clearing = 13,000 square feet (MNR ROW)
- Access road = 4,300 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50'(MNR ROW)

**Structure 873S:**

- Vegetation/Land clearing = 11,300 square feet (MNR ROW)
- Access road = 4,350 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50'(MNR ROW)

**Structure 874S:**

- Vegetation/Land clearing = 11,300 square feet (MNR ROW)
- Access road = 4,300 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50'(MNR ROW)

**Structure 875S:**

- Vegetation/Land clearing = 11,300 square feet (MNR ROW)
- Access road = 4,800 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50'(MNR ROW)

**Road crossings**

- None

**Structure Locations 876 to 879  
Naugatuck Avenue & I-95 Ramp 34 North Entrance  
Milford**

**DRAWING #:14220-0804 / 0811**

General Work Description:

New steel monopoles will be installed at 876S, 877S, 878S, and 879S. The following construction activities will occur with the stated durations, but may not occur on consecutive dates and may occur concurrently.

- Installation of access road/clearing – 25 Days
- Installation of foundation – 12 Days
- Installation of steel pole – 16 Days
- Installation of wire – 12 Days

**Construction Footprint**

- Occupation Area = xx square feet (MNR ROW)

Structure 876S:

- Vegetation/Land clearing = 11,300 square feet (MNR ROW)
- Access road = 3,500 square feet (MNR ROW)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

Structure 877S:

- Vegetation/Land clearing = 10,300 square feet (MNR ROW)
- Access road = 4,200 square feet (MNR ROW)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

Structure 878S:

- Vegetation/Land clearing = 8,300 square feet (MNR ROW)
- Access road = 3,100 square feet (MNR ROW)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

Structure 879S:

- Vegetation/Land clearing = 8,700 square feet (Milford Reservoir)  
= 9,700 square feet (MNR ROW)
- Access road = 5,500 square feet (Milford Reservoir)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

**Road crossings**

- Interstate 95

**Structure Locations 880 to 883  
Schoolhouse Road  
Milford**

**DRAWING #:14220-0805/ 0812**

General Work Description:

New steel monopoles will be installed at 880S and 882AS. New hardware and wire will be installed at TP883N. The following construction activities will occur with the stated durations, but may not occur on consecutive dates and may occur concurrently.

- Installation of access road/clearing – 25 Days
- Installation of foundation – 6 Days
- Installation of steel pole – 9 Days
- Installation of wire – 9 Days

**Construction Footprint**

- Occupation Area = xx square feet (MNR ROW)

Structure 880S:

- Vegetation/Land clearing = 1,700 square feet (Milford Reservoir)  
= 19,100 square feet (MNR ROW)
- Access road = 3,000 square feet (MNR ROW)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

Structure 882AS:

- Vegetation/Land clearing = 17,600 square feet (Milford Reservoir)  
= 18,300 square feet (MNR ROW)
- Access road = 12,800 square feet (Milford Reservoir)
- Work pad = 1,750 square feet 35' X 50'(MNR ROW)

Structure TP883S:

- Vegetation/Land clearing = 1,400 square feet (Milford Reservoir)  
= 3,400 square feet (MNR ROW)
- Access road = 600 square feet (Milford Reservoir)
- Work pad = 1,500 square feet 30' X 50'(MNR ROW)

**Road crossings**

- Schoolhouse Road

**Structure Locations 884 to Milvon  
Schoolhouse Rd & 772 Bridgeport Ave  
Milford**

**DRAWING #:14220-0806/ 0813**

General Work Description:

New steel monopoles will be installed at 885S, 886S, and 887AS. New hardware and wire will be installed at TP884S. The following construction activities will occur with the stated durations, but may not occur on consecutive dates and may occur concurrently.

- Installation of access road/clearing – 25 Days
- Installation of foundation – 9 Days
- Installation of steel pole – 12 Days
- Installation of wire – 15 Days

**Construction Footprint**

- Occupation Area = xx square feet (MNR ROW)

Structure TP884S:

- Vegetation/Land clearing = 400 square feet (Schoolhouse Rd)  
= 7,500 square feet (MNR ROW)
- Access road = 3,500 square feet (MNR ROW)
- Work pad = 1,500 square feet 30' X 50' (MNR ROW)

Structure 885S:

- Vegetation/Land clearing = 4,200 square feet (Schoolhouse Rd)  
= 9,200 square feet (MNR ROW)
- Access road = 6,500 square feet (Schoolhouse Rd)
- Work pad = 1,500 square feet 30' X 50' (MNR ROW)

Structure 886S:

- Vegetation/Land clearing = 3,800 square feet (750 Bridgeport Ave)  
= 7,800 square feet (MNR ROW)
- Access road = 3,100 square feet (MNR ROW)
- Work pad = 1,000 square feet 20' X 50' (MNR ROW)
- Wetland Impact = 400 square feet (750 Bridgeport Ave)

Structure 887AS:

- Vegetation/Land clearing = 6,400 square feet (MNR ROW)
- Access road = 0 square feet (MNR ROW)
- Work pad = 2,500 square feet 50' X 50' (MNR ROW)
- Wetland Impact = 1,100 square feet (MNR ROW)

**Road crossings**

- Schoolhouse Rd

**Access Road to 879 & 880  
I-95 Ramp 34 North Entrance  
Milford**

**DRAWING #:14220-0807/ 0814**

General Work Description:

New access road to be built for construction access to structures 879S and 880S. The following construction activities will occur with the stated durations, but may not occur on consecutive dates and may occur concurrently.

- Installation of access road/clearing –20 Days

**Construction Footprint**

- Occupation Area = xx square feet (Milford Reservoir)

**Stringing Site:**

- Vegetation/Land clearing = 20,100 square feet (Milford Reservoir)
- Access road = 13,500 square feet (Milford Reservoir)

**Road crossings**

- None

## Appendix F

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### Notice of Termination Form





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

## Notice of Termination Form

Please complete and submit this form in accordance with the general permit (DEP-PED-GP-015) in order to ensure the proper handling of your termination. Print or type unless otherwise noted.

Note: Ensure that for commercial and industrial facilities, registrations under the *General Permit for the Discharge of Stormwater Associated with Industrial Activity* (DEP-PED-GP-014) or the *General Permit for the Discharge of Stormwater from Commercial Activities* (DEP-PED-GP-004) have been filed where applicable. For questions about the applicability of these general permits, please call the Department at 860-424-3018.

### Part I: Registrant Information

1. Permit number: <b>GSN</b>			
2. Fill in the name of the registrant(s) as indicated on the registration certificate: Registrant:			
3. Site Address: City/Town: _____ State: _____ Zip Code: _____			
4. Date all storm drainage structures were cleaned of construction sediment: Date of Completion of Construction: _____ Date of Last Inspection (must be at least three months after final stabilization pursuant to Section 6(b)(6)(D) of the general permit): _____			
5. Check the post-construction activities at the site (check all that apply):			
<input type="checkbox"/> Industrial	<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Capped Landfill
<input type="checkbox"/> Other (describe): _____			

### Part II: Certification

"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 (if applicable)

Note: Please submit this Notice of Termination Form to:  
STORMWATER PERMIT COORDINATOR  
BUREAU OF WATER MANAGEMENT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
79 ELM STREET  
HARTFORD, CT 06106-5127

## Appendix G

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### Sedimentation and Erosion Control Inspection Report Form



**SEDIMENTATION AND EROSION CONTROL INSPECTION REPORT  
THE UNITED ILLUMINATING COMPANY  
MILVON-DEVON**

SITE # \_\_\_\_\_

<b>INSPECTION INFORMATION</b>	<b>WEATHER INFORMATION</b>
DATE:	CURRENT FORECAST:
QUALIFIED INSPECTOR:	DATE OF LAST RAIN EVENT:
RAIN EVENT <input type="checkbox"/>	AMOUNT OF LAST RAIN EVENT:
WEEKLY <input type="checkbox"/>	
SPECIAL <input type="checkbox"/>	

**GENERAL PROJECT COMPLIANCE**

APPROXIMATE CURRENT ACRES DISTURBED:		DUST CONTROL MEASURES ESTABLISHED:	Y / N
CONSTRUCTION ENTRANCE INSTALLED:	Y / N	SILT FENCE INSTALLED & FUNCTIONAL:	Y / N
WASHOUT AREA ESTABLISHED:	Y / N	INLET PROTECTION INSTALLED & FUNCTIONAL:	Y / N
WASTE DISPOSAL AREA ESTABLISHED:	Y / N	ALL OTHER E&S CONTROLS INSTALLED & FUNCTIONAL:	Y / N
IN-ACTIVE AREAS STABILIZED:	Y / N	STORMWATER DISCHARGE OBSERVED:	Y / N
DESCRIPTION OF STORMWATER DISCHARGE:			

**DISTRIBUTION:**

In my judgment the site is in / out of compliance with the terms and conditions of the Stormwater Pollution Control Plan and permit.

\_\_\_\_\_  
Signature of Qualified Inspector

\_\_\_\_\_  
Date

“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/Authorized Representative

\_\_\_\_\_  
Date

**ITEMS NOTED IN THIS INSPECTION:**

List specific items relating to erosion & sediment controls, implementation of the plan, description of stormwater discharges, and any water quality monitoring performed during the inspection.

ITEM #	ITEM NOTED	DESCRIPTION OF DEFICENCY	REMEDIAL ACTIONS REQUIRED	IN COMPLIANCE	DATE NOTED	CURRENT STATUS

**ITEMS NOTED IN THIS INSPECTION:**

\*\*Note: The item numbers listed above correspond to the circled numbering on the attached reference map.

**ADDITIONAL COMMENTS OR NOTES:**

- Additional Comments

## Appendix H

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### Stormwater Monitoring Report Form (Turbidity Sampling Data)





**Connecticut Department of  
Energy & Environmental Protection**  
Bureau of Materials Management & Compliance Assurance  
Water Permitting & Enforcement Division

**General Permit for the Discharge of Stormwater and Dewatering Wastewaters from  
Construction Activities, issued 8/21/13, effective 10/1/13**  
**Stormwater Monitoring Report**

**SITE INFORMATION**

Permittee: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Business Phone: \_\_\_\_\_ ext.: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_  
 Site Name: \_\_\_\_\_  
 Site Address: \_\_\_\_\_  
 Receiving Water (name, basin): \_\_\_\_\_  
 Stormwater Permit No. GSN \_\_\_\_\_

**SAMPLING INFORMATION (Submit a separate form for each outfall)**

Outfall Designation: \_\_\_\_\_ Date/Time Collected: \_\_\_\_\_  
 Outfall Location(s) (lat/lon or map link): \_\_\_\_\_  
 Person Collecting Sample: \_\_\_\_\_  
 Storm Magnitude (inches): \_\_\_\_\_ Storm Duration (hours): \_\_\_\_\_  
 Size of Disturbed Area at any time: \_\_\_\_\_

**MONITORING RESULTS**

Sample #	Parameter	Method	Results (units)	Laboratory (if applicable)
1	Turbidity			
2	Turbidity			
3	Turbidity			
4	Turbidity			

(provide an attachment if more than 4 samples were taken for this outfall)

Avg = \_\_\_\_\_

**STATEMENT OF ACKNOWLEDGMENT**

I certify that the data reported on this document were prepared under my direction or supervision in accordance with the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. The information submitted is, to the best of my knowledge and belief, true, accurate and complete.

Authorized Official: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please send completed form to:

DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION  
 BUREAU OF MATERIALS MANAGEMENT AND COMPLIANCE ASSURANCE  
 79 ELM STREET  
 HARTFORD, CT 06106-5127  
 ATTN: NEAL WILLIAMS

## Attachment F

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Historic and/ or Archaeological Information: State Historic  
Preservation Office Letter





May 27, 2014

Shawn C. Crosbie  
Environmental Analyst  
UIL Holdings Corporation  
180 Marsh Hill Road  
Orange, Connecticut 06477

**Subject:** Comments on Preliminary Archeological Assessment of the Proposed United Illuminating FAC008 Utility, Upgrade Project in Stratford, Milford and West Haven, Connecticut

Dear Mr. Crosbie,

The State Historic Preservation Office (SHPO) is responding to your request for our review of the above-referenced project and an archaeological assessment prepared by Heritage Consultants, LLC (Heritage). United Illuminating (UI) proposes the separation of utility lines from the existing overhead catenary system on Metro North's rail line system. The new lines would be suspended from a series of free-standing poles installed near the edge of the existing railroad corridor. Heritage completed a review of SHPO historic resource inventories and background research to assess the potential for the project to affect known archaeological sites and/or areas where archaeological resources can be anticipated (i.e. "archaeologically sensitive areas"). Based on the materials submitted to our office, SHPO believes the Heritage investigations were conducted in accordance with our *Environmental Review Primer for Connecticut's Archaeological Resources* and provide a sound basis for evaluating the project's potential impacts to buried historic properties.

As noted by Heritage, the proposed installation of new poles will be largely confined to previously developed and now disturbed areas. Historic cartographic sources, soil mapping, existing underground utility installations, and pedestrian survey of the Areas of Potential Effects (APE) for this undertaking all support Heritage's opinion that intact and potentially significant archaeological resources are unlikely to be present within the areas of anticipated ground disturbance.

*"Given the substantial amount of development within the proposed areas and the large number of previous disturbances, it is highly unlikely that intact soil deposits remain. Therefore, it is the professional opinion of Heritage Consultants, LLC that no further archeological investigations of the tower locations associated with the proposed United Illuminating FAC008 Utility Upgrade Project in Stratford, Milford and West Haven are warranted." (Heritage Technical Memorandum dated 3/20/14).*

SHPO notes here that some displacement of alluvial sediments may occur, for example for proposed Towers FC02 and FC05, and that such geomorphic settings *may* contain deeply buried archaeological deposits. It is, however, our opinion that the potential for intact archaeological resources to be present in these locations is low given the apparently pervasive extent of prior earthmoving activities within and adjacent to the APE. SHPO therefore concurs with Heritage's recommendation that further archaeological surveys or other investigations are not warranted.

Although extant historic properties listed in, or previously determined to be eligible for listing in the National Register of Historic Places were identified by Heritage, the scope of their investigations did not include an assessment of potential project effects to such resources. SHPO notes that the existing railroad right-of-way and corridor, in general, contains a high density of utility lines, including above ground electrical service. As such,



Department of Economic and  
Community Development

**Connecticut**  
still revolutionary

the proposed addition of new poles and lines as part of this project appears to have a limited potential to diminish the integrity of the historic viewsheds and settings of adjacent historic buildings and districts. The 1904 Housatonic River Railroad Bridge, also known as the Devon Railroad Bridge, appears to be in the APE for this project. The structure was listed in the National Register of Historic Places in 1987 and is a significant early example of a Scherzer Rolling Lift Bascule-type movable bridge. It is our understanding from consultations with United Illuminating representatives that this project will not include any physical alterations to the bridge, itself. Based on the materials provided to our office, it is SHPO's opinion that this undertaking will have no adverse effects to historic properties.

The State Historic Preservation Office appreciates the opportunity to review and comment on this proposal and the CT Siting Council's consideration of historic resources in the exercise of its jurisdiction. We look forward to working with you and your clients on this important project. If you have any questions concerning our comments please contact me at (860) 256-2761 or Daniel.Forrest@CT.gov.

Sincerely,

A handwritten signature in blue ink that reads "Daniel T. Forrest".

Daniel T. Forrest  
State Historic Preservation Officer

CC: Bellantoni/OSA