CONNECTICUT
DEPARTMENT OF TRANSPORTATION
Policy Statement

Policy NO. EX.O-29
November 4, 2010

SUBJECT: Policy Concerning the Processing of Environmental Permits and Permit Compliance for all Aspects of Project Development, Construction, and Operations

This policy details the responsibilities for all Department of Transportation (Department) Bureaus that perform design, construction, or operations related to activities which have the potential to affect a location that is protected under State or federal environmental laws and regulations.

The Department is committed to meeting its legal responsibilities in accordance with environmental regulations and environmental permit requirements. To meet this goal, the Bureau of Policy and Planning's Office of Environmental Planning (OEP) shall have the primary jurisdiction in the preparation and administration of Connecticut Department of Environmental Protection (CT DEP) and U.S. Army Corps of Engineers permit applications for all transportation projects from the initial environmental review process into design, construction, and operations activities.

OEP shall also be the primary Office for the preparation and administration of CT DEP Indirect Source Air Quality permit applications.

Protection of the natural environment shall be of paramount concern during all phases of Department activity. To facilitate this goal, all pertinent offices shall coordinate early and often with emphasis on transparent decision-making when environmental concerns are involved. Each office shall work together to produce a product that involves all stakeholders while being sensitive to and enhancing the natural environment.

The following sections describe the responsibilities of each Bureau as they pertain to compliance with this policy.

(This Policy Statement supersedes Policy Statement No. P&P–4 dated April 15, 1988; Administrative Memorandum No. 234 dated January 29, 1988; Administrative Memorandum No. 274 dated June 15, 1989; and Administrative Memorandum No. 97 dated May 2, 1994).

Jeffrey A. Parker
Commissioner

Bureau of Policy and Planning
Office of Environmental Planning

As the primary office in the Department for environmental oversight, any operation or activity which may have the potential to affect a location that is protected under State or federal environmental laws and regulations, must be coordinated with OEP.

OEP will respond to all environmental submissions, in a timely manner, with any requirements needed to facilitate regulatory approval. During this process, OEP will provide guidance and assistance to Department Bureaus regarding environmental issues, methods, and regulations. When making submissions to OEP, the offices for Design or Construction shall also take into consideration the construction methodology. When a design element is not typical or routine, the construction methodology must be included and not left to the Contractor to detail and design.

OEP will be responsible for coordination between outside regulatory agencies and internal Department offices. All permits, change orders, and any other environmental actions shall be processed through OEP for submittal to the appropriate outside regulatory agency. During processing of the different environmental submissions, the appropriate Construction District (District) personnel will be involved to ensure they are aware of the restrictions and allowable work. OEP shall determine the type of submission required to amend an approved permit and will discuss with the District the different requirements for a For Your Information (FYI), Technical Plan Revision, or Modified Permit.

OEP will perform environmental reviews for Department projects in order to identify key natural resources, review plans and specifications for consistency with environmental regulations, review permit applications for consistency with regulatory requirements, and periodically inspect construction projects for environmental and permit compliance. OEP will give direction to other Department offices based on the type of review that was performed. This direction shall include standards for drafting permit applications and shall ensure that important aspects of the permit have been highlighted by the Designer in the executive summary.

OEP may approve, modify, or reject any change request after performing a sufficient review of the supporting documents.

A written directive may be made by the Director of Policy and Planning to the responsible operating Manager if prompt action is not initiated on any construction operation that is causing an adverse impact to the environment and which must be ceased immediately within a regulated area or site.

Bureau of Engineering and Construction
Office of Engineering

The Office of Engineering is responsible for permit preparation and compliance with environmental regulations in design. The Designer shall be familiar with environmental regulations, Department policies, manuals, and procedures as they pertain to their projects.

Designers are expected to conduct a site review to consider environmental concerns and complete the Environmental Review Form which is submitted to OEP. This process must occur early in the Scoping/Preliminary Design process to allow fully-informed coordination and discussions about the project.

The Designers are responsible for determining and incorporating erosion/sedimentation controls and stormwater treatment measures for projects. These will be employed in consideration of the type and scope of the project, and constraints relative to the project site. These measures shall also consider staged construction.

Designers shall provide their design for review to OEP at intervals established by their respective offices. This coordination will keep all parties apprised of specific environmental concerns, requirements for stormwater treatment measures or mitigation, permit requirements, and permit timeframes. Designers shall ensure that a collective review of the design occurs and that constructability issues in regulated areas are addressed before the projects go out to bid.

Designers are responsible for preparing permits, registrations and associated supporting documentation with guidance/assistance from OEP. Designers shall ensure that the important elements of the permits are highlighted in the executive summary. Completed permit packages shall be submitted to OEP for signature and transmittal to regulating agencies. Designers shall create full-sized permit plates and provide them to OEP, the District, and the Contractor prior to the start of construction.

During construction, Designers may become involved when it has been determined that an engineered solution will be required to respond to or correct environmental deficiencies. These designs may require prompt response in consideration of possible deteriorating field conditions. Designers should review all changes that could affect the finished design features or project commitments.

Designers may also be required to do plan revisions, permit modifications or permit extensions, which shall be coordinated through OEP.

Designers shall compare the approved permits, final design plans, and specifications for any discrepancies. The plans must match the environmental permit plates prior to bid advertising. If any discrepancies are discovered, the Designer will be responsible for changing the plans or requesting a permit amendment. The Designer will then document that this has been completed.

Designers shall include copies of all permit applications and the approved permits in the contract bid documents. If permits have not been issued at the time of the scheduled advertising, permit applications shall be incorporated in the contract bid documents.

Office of Construction

The Office of Construction is responsible for permit administration during construction. Each District shall have a District Environmental Coordinator (DEC) assigned to oversee environmental compliance on projects assigned to that District.

The DEC shall review the construction contract for completeness and consistency between the permit and the construction plans.

The District shall be responsible for instructing the Contractor on compliance with Section 1.10 of the Standard Specifications for Roads, Bridges, and Incidental Construction Form 816 (Standard Specifications), as revised. The District shall require that project inspection staff acknowledge receipt as well as that they have read the requirements of the project permits. Any proposed change to a permitted activity or any activity that may cause new environmental impacts must be submitted, in writing, to OEP for review prior to implementation.

The District Engineer shall be responsible for ensuring that no activity (including clearing) will be allowed that may affect a regulated area prior to the issuance of a permit. Such permitted activity shall be conducted in strict conformance with the Standard Specifications Section 1.10 and authorized permit conditions.

The DEC must be notified when any change to the permitted work is anticipated. The District cannot authorize the Contractor to begin work on any operation that is different than what is described in the approved permit or permit application and no work may be performed in any area where a discrepancy between the permit and plans exist without consulting the involved parties including, but not limited to, the project engineer, a member of OEP, the Designer, and the DEC. If there is any uncertainty that an operation may not be entirely covered by an approved permit then the project engineer shall use prudence and not allow any work to be performed until, at a minimum, the DEC has been consulted.

If a permit amendment is required, the District will be responsible for initiating the process. The DEC will be the point of contact between the District and the OEP. The DEC must review any changes prior to submission to OEP and the written request must indicate that the DEC concurs with the proposed change. District construction personnel shall be responsible for ensuring that no work is performed until approval of the permit amendment is received from the appropriate regulatory agency.

The project engineer shall designate an Inspector, for each project, whose responsibility is monitoring for environmental compliance.

The District shall be responsible for reviewing all Contractor requests for a change prior to submittal to the office of Design and OEP. The District shall not submit any requests for a change that do not benefit the Department in some way. The benefit must be documented by the District in the formal request for a permit amendment.

During construction of the project, any activity that is causing harm, damage or adverse impact to the environment (beyond that contemplated by the permit(s)) **shall be ceased immediately**. Whenever the Department is potentially exposed to a regulatory action, project staff must respond immediately to any direction that is given by the DEC, a member of OEP, CT DEP

staff or any other State or Federal Regulatory Agency staff. In no case shall District personnel countermand the directions issued by a member of the OEP staff or regulatory personnel without written concurrence from OEP, the Regulatory Agency involved, or the Office of Construction's Transportation Construction Administrator or Transportation Construction Division Chief.

When a routine inspection of the project results in a written notification of a deficiency, the Project Inspector will be responsible for immediately notifying the Contractor of the deficiency, the required corrective actions, and the response time required of the Contractor. Construction staff will be responsible for ensuring that corrective actions are performed promptly, in accordance with approved erosion and sedimentation controls, and in a manner that will in no way alter or create additional impacts in or adjacent to a regulated area.

The DECs shall keep the District Engineer and/or Assistant District Engineer informed of environmental regulatory requirements and immediately notify them of outside reviews, and any actions required to avoid or correct adverse environmental impacts associated with Department construction activities. The DEC shall also contact OEP if any ongoing or anticipated construction activity is causing or will cause environmental damage or require a permit amendment.

The District will have the responsibility of ordering the Contractor on a project to take the necessary action to avoid environmental damage, or when damage is occurring or has occurred, to stop construction activities and/or repair the damage.

Bureau of Highway Operations
Office of Maintenance

The Office of Maintenance is responsible for providing the safe operation and maintenance of the State's highway and bridge system while adhering to the Department's permits and best management practices in order to protect and enhance the natural environment.

The Bureau of Highway Operations will designate the Maintenance District Drainage Engineer (Drainage Engineer) as the Coordinator with OEP to oversee compliance with the Department's Drainage Maintenance General Permit, any permits associated with Maintenance construction projects, 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, and the Standard Specifications Section 1.10. The DECs and OEP staff shall advise the Drainage Engineer on matters as they are brought to their attention.

The Drainage Engineer shall record all activities performed in accordance with the Department's Drainage Maintenance General Permit and inform OEP, at a minimum, once every three months. Any removal of a beaver dam must be coordinated with OEP prior to performing the activity.

The Drainage Engineer shall also report to OEP, the information required by the Department's Municipal Separate Storm Sewer Permit (MS4), at a minimum, once every three months.

The Office of Maintenance is responsible for storing products for erosion and sedimentation control at strategic locations throughout the State for use in emergency situations.