



**Department of Economic and Community Development (DECD)
Flood Management Certification Guidelines
For Individual Permit
January 2014**



Program Overview

Under Connecticut General Statutes (CGS) Sections 25-68b through 25-68h, the Connecticut Flood Management Program requires certification or an exemption for all state actions within or affecting floodplains or natural or man-made storm drainage facilities. A floodplain is an area that has frequent or periodic flooding issues. For regulatory purposes, all areas within the limits of the 100-year floodplain as designated on the Flood Insurance Rate Maps (FIRM) published by the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) are considered as floodplains. For critical activities such as hospitals, housing/residences and schools the regulations are more stringent and include areas within the 500-year floodplain.¹

Permit Granting Agency

The Connecticut Department of Energy and Environmental Protection (DEEP), is responsible for the flood management program and uses both individual and general certificates to regulate activities. Individual certificates are issued directly to an applicant (state agencies), whereas general certificates are issued to authorize similar minor activities by one or more applicants. The DEEP reviews and approves/rejects individual flood management certification applications.

For certain minor state activities within regulated floodplain, DECD has been granted a "General Certification" by DEEP (FM-201305893, expires July 2, 2022). When work on a project consists of minor activities, DECD will certify the project through this general certification.

DECD's Review Process for DECD Funded Projects

DECD is the formal applicant for the flood management certification for all DECD-funded projects. DECD's client/consultant will prepare the required permit package duly signed by DECD to be submitted to DEEP. DECD will follow the steps below:

1. DECD will first review the pre-application² from the client to confirm if project requires a flood management certification/exemption. A determination is also made whether the project involves non-critical or critical activities.
2. If flood management certification is required, DECD studies the project activities and makes a determination whether the project can be covered by DECD's general permit or would require an individual certification or exemption application.

¹100-year floodplains are those areas located within the boundaries of the base flood, which is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Typically, the 100-year floodplains are those areas designated as A, AE, AH, AO, AR, A99, V or VE zones on the FIRM maps. Floodway areas (channel or stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights) in Zone AE are also considered to be in the regulated 100-year floodplain area. A 500-year floodplain includes the flood areas determined by the NFIP to have a 0.2% chance of being equaled or exceeded in any given year. 500-year floodplains are typically areas designated as zones B or X (shaded) on the FIRM maps.

² The pre-application should include a project/activity description, site plans and FIRM maps of the project site and client's determination whether site is within regulated floodplain area (as shown on FIRM maps).

3. DECD's client/consultant will prepare the individual or general permit application package as per guidelines. Both permit types do not include any fees.

a. *For Individual Permit* - A pre-application meeting with DEEP is recommended (see http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324172&depNav_GID=1643) for required application documents) to ensure that the application is complete. DEEP will review the package for sufficiency after which a detailed technical review is initiated. Requests for flood management certification will be approved or rejected within 90 days of application receipt³.

b. *For General Permit* – DECD will review the application package (see DECD's General Permit Application Guidelines – Flood Management Certification for Minor Activities) to ensure that required general certification conditions are satisfied. DECD will then sign the Professional Certification Form and send a copy of the general permit package to DEEP for their records. The project receives flood management permit/certification on the date that DEEP receives the signed copy of the general permit package from DECD (stamped date of receipt). No revisions or alterations to the approved construction details and plans are allowed without first obtaining prior written approval from DECD/DEEP.

DEEP Individual Permit Guidelines

Type of activities that would require a Flood Management Certification:

1. Any new or substantially improved structures, obstruction or encroachment located within the floodplain;
2. Any filling, dumping, construction, excavating and other activities which change the topography within the floodplain;
3. Any storage of materials or equipment within the floodplain;
4. Any proposal for site development which increases peak runoff rates;
5. Any grant or loan which affects land use, land use planning or the disposal of state properties in floodplains; or
6. Any program regulating flood flows within the floodplain.

Exemption Application Process: An agency may apply for an exemption from Flood Management Certification. Such application should include a statement of reasons why the project activity should be exempted and other information in support of the request. The DEEP Commissioner, after providing public notice of the application and an opportunity to hold a public hearing, may grant an exemption request if the proposal:

- 1) is in the public interest (see Note a, below);
- 2) will not injure persons or damage property;
- 3) complies with NFIP's provisions; and
- 4) the recipient of a loan or grant has been informed of potential high flood insurance premiums.

Notes:

a) The flood management statutes specifically identifies brownfield redevelopment projects subject to DEEP's environmental remediation regulations and requirements (as per CGS Section 22a-133k)

³ Note: As a policy, DECD does not combine the flood management certification with other required DEEP permit applications.

as projects in the public interest if the property is in or adjacent to an area identified as a development area⁴ in the State Plan of Conservation and Development. Therefore, such projects are eligible to apply for an **exemption** provided that other listed criteria are satisfied.

b) As a policy, DECD is not likely to request an exemption for new construction of a critical activity in a floodplain area.

Special Exceptions to DEEP's Normal Individual Certification/Exemption Process:

1) *Mill Reuse.* Flood management certification applications for rehabilitation or renovation of mills located on brownfields, as defined in CGS Section 32-9kk as amended by PA 10-139, do not have to provide proof that the proposal promotes long-term non-intensive floodplain uses⁵, provided the application demonstrates the following:

- the activity is subject to DEEP's environmental remediation requirements pursuant to CGS Section 22a-133k;
- above-grade activities are confined to existing mill buildings or within the footprint of previous mill structures;
- any residential living space or critical activities are elevated above the 500-year flood elevation consistent with the requirements of the flood management statutes;
- appropriate flood proofing as required under NFIP is undertaken; and
- all other requirements of the NFIP and the flood management statutes, and its associated regulations, are adhered to.

Note: Consistent with state policy, mill redevelopment in the floodplain or in a floodway would continue to have to demonstrate through a hydrologic and hydraulic analysis not to increase flood elevations for the 2-year, 10-year and 100-year flood events (and for projects involving critical activities, for the 500-year flood event as well).

2) *DECD Projects Within Drainage Basins Less than One-square Mile.* DECD projects within a drainage basin of less than one square mile are not subject to DEEP's flood management certification or exemption approval (CGS Section 25-68d(g) as amended by PA 10-139).

3) *Existing Affordable Housing and Minor Structures*⁶. DEEP's flood management certification or exemption requirements do not apply to the following critical activities between the 100-year and the 500-year-floodplains that involve state-funded housing reconstruction, rehabilitation or renovation as long as the state agency providing funding certifies that it complies with the provisions of the NFIP and other requirements of the flood management statutes:

⁴ The development areas in the State Plan of Conservation and Development include regional centers, neighborhood conservation areas, growth areas and rural community centers.

⁵ DECD and DEEP mutually interpret that the redevelopment of mills that are considered brownfields is considered a non-intensive use of the floodplain when above-grade activities are confined to the existing mill building or the footprint of previous mill buildings and that criteria for activities or critical activities consistent with the requirements of the Flood Management Act and National Flood Insurance Program (NFIP) are adhered to.

⁶ This exception is according to Public Act 10-139, An Act Concerning State Funding of Affordable Housing Located in a Five-Hundred-Year Floodplain. The legislation streamlines and shortens the approval and permitting process for certain housing projects and formalizes DECD's current policy of assisting exiting housing units in floodplain areas of the state. The act adds more certainty for projects.

1. Projects involving renovation or rehabilitation of existing housing on the DECD's most recent affordable housing appeals list;
2. Construction of minor structures to an existing building for the purpose of providing handicapped accessibility pursuant to the State Building Code;
3. Construction of open decks attached to residential structures that are properly anchored in accordance with the State Building Code; or
4. The demolition and reconstruction of existing housing for low- and moderate-income housing provided there is no increase in the number of units and:
 - A. Reconstruction is limited to the footprint of the existing foundation of the building or buildings and is proposed to be used for low- and moderate-income housing; or
 - B. Reconstruction is on a parcel of land where the elevation is above the 100-year flood elevation, provided there is no new placement of fill within an adopted Federal Emergency Management Agency flood zone.

DECD General Flood Management Certification for Minor Activities

List of Minor Activities Covered Under General Permit:

- 1) Streetscape Projects;
- 2) Minor Storm Water Drainage Installation and Improvements;
- 3) Minor Bridge Repairs;
- 4) Minor Roadway Re-Alignment or Intersection Improvements;
- 5) Subsurface Investigations and Excavations related to Archaeological Surveys and Environmental Site Assessments;
- 6) Demolition of an Existing Structure;
- 7) Repair or Installation of Septic Systems & Community Wells;
- 8) Bulkhead Repair or In-Kind Replacement;
- 9) Rehabilitation/Replacement of Existing Dock Structures;
- 10) Waterfront Development and Dredging Projects;
- 11) Environmental Remediation;
- 12) Housing Rehabilitation Projects (minor activities);
- 13) Public Building Rehabilitation Projects (minor activities); and
- 14) Historic Structure Rehabilitation Projects.

See DECD's General Permit Application Guidelines – Flood Management Certification for Minor Activities for details of the general permit application package.

DECD Point of Contact:

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References:

Connecticut General Statutes (CGS) Sections 25-68b through 25-68h
Regulations of Connecticut State Agencies (RCSA) Sections 25-68h-1 through 25-68h-3
Public Act 10-139