



OFFICE OF ADJUDICATIONS

IN THE MATTER OF : *APPLICATION # 201800331*

CITY OF NEW LONDON : *FEBRUARY 11, 2019*

PROPOSED FINAL DECISION

SUMMARY

The Applicant City of New London has applied to the Department of Energy and Environmental Protection (DEEP) for a permit to conduct work in the tidal, coastal and navigable waters of the State waterward of the coastal jurisdiction line. The City seeks to install a stone riprap splash pad as outlet protection for an existing reinforced concrete pipe storm drain located at Osprey Beach in New London. The purpose of this splash pad is to minimize beach erosion by dissipating the energy of stormwater runoff from the uplands discharging from the pipe.

Following review by its Land and Water Resources Division, DEEP published its tentative decision to approve this application on August 10, 2018. A petition for a hearing was filed, initiating this hearing process. The parties in this matter are the City and DEEP. A hearing to receive public comment was held in New London on December 5, 2018; an evidentiary hearing took place on December 11 at DEEP in Hartford.

On January 24, 2019, the parties jointly filed the attached Agreed Draft Decision. (Appendix 1.) Regs., Conn. State Agencies § 22a-3a-6(1) (3) (A). The draft permit, which was admitted to the record as Ex. DEEP-9, is also attached. (Appendix 2.)

I have reviewed the Agreed Draft Decision and the record, and have considered the facts and relevant law in this matter. This Decision satisfactorily conveys factual findings and legal conclusions necessary to support my conclusion. DEEP's tentative determination is supported by substantial evidence in the record.

Further, the City has met its burden of proof as the Applicant by showing by a preponderance of the evidence that the proposed activity, if conducted in accordance with the draft permit, complies with the relevant statutes and regulations. General Statutes §§ 22a-359 through 22a -363f; §§ 22a-90 through 22a-112 (Coastal Management Act); Regs., Conn. State Agencies §§ 22a-30-1 through 22a-30-17; and §§2 2-426-1 through 22a-426-9 (Water Quality Standards).

RESPONSES TO PUBLIC COMMENTS

Although the major concerns raised by the public are addressed by the application and draft permit, the parties were asked to also respond to public comments at the December 11 evidentiary hearing. The following areas were addressed by the expert witnesses for the parties in testimony and by references to documentary evidence in the record.¹ This information is provided to clarify issues raised by public commenters.

- **Potential impacts to eelgrass.** Eelgrass beds are extensive along the shores of Eastern Long Island Sound, including the area around Osprey Beach, where there is a large eelgrass bed located seaward of the existing outfall pipe in the subtidal area. The location and extent of this bed was confirmed by the Applicant following a pre-application site-specific assessment of submerged aquatic vegetation ordered by the DEEP. To avoid possible adverse impacts and because of regulatory requirements that an alternative be selected with the lowest possible impact, an original plan was rejected that would have extended the existing pipe approximately 125 feet from the outlet of the storm drain. There is no other practical way to extend the pipe without substantially impacting this resource. Therefore, the existing drain outfall pipe will remain in place. Studies and surveys of eelgrass beds, including those in this area, with similar drain outfalls nearby show changes to the density and conditions of the beds over time. This is largely due to the nature of eelgrass beds as a fragile resource and is not directly associated with the presence of an outfall pipe. There are no expected impacts to the eelgrass beds at the site due to the existing pipe. Although a federal magistrate ordered the City to comply with a settlement agreement with the Osprey Beach Trust under which it agreed to extend the pipe, the

¹ No transcript of the hearing was prepared; the recording of the hearing is the official record of the proceeding.

environmental considerations and regulatory requirements are not overridden by an order of a court.² (Exs. APP-1, 9, 10/C-3, 15, 18, DEEP-13, 21; test. J. Edgerton, M. Grzywinski, 12/11/18.)

- **US Army Corps of Engineers permit.** The permit processes of the Army Corps of Engineers and the DEEP are separate. The incorrect address for the property in the Army Corps permit does not impact the DEEP permit, which correctly identifies the property. (Ex. APP-14, DEEP-1, 9; test. M. Grzywinski, 12/11/18.)
- **Sea level rise.** Sea level rise is considered when DEEP is reviewing a permit for work to be performed along the coast. General Statutes §22a-92(5). If so advised by DEEP, an applicant must make any necessary improvements to make planned work more resilient. The work proposed in this application needed no further improvements. The existing pipe structure was robustly constructed with steel reinforcements and is expected to be resilient for the expected range of sea level rise for the next 50 to 70 years. The riprap to be installed will be comprised of large stones with an average diameter of 24 inches that will be angular rather than round, which will allow them to interlock and be tightly fitted. Most significantly, the riprap will be below existing grade, buried to a depth of three feet under the opening of the existing pipe. (Exs. APP-8, 10/C-5, 11-13, DEEP-16; test. J. Edgerton, M. Grzywinski, 12/11/18.)
- **Public rights of access.** The available data and design of the riprap splash pad shows that it is intended to end before the high water mark. Its twenty-foot length was based on engineering considerations for the design to dissipate the discharge. (Ex. APP-10/C-3; test. J. Edgerton, 12/11/18.)
- **Function/location of the riprap.** The proposed riprap will not be placed over or around the existing pipe to stabilize that pipe.³ The proposed riprap will be placed adjacent to the pipe to dissipate water discharge and will not interact with the pipe. The stones from the riprap will not be placed in front of the pipe, but will be flush with the surface of the sand to a depth of three feet. Particularly during the summer, the beach sand level may entirely cover the riprap; however, the riprap will remain at or below the pipe elevation. (Exs. APP- 9, 10/C5, Speaker's Exhibit-1, photo array; test. J. Edgerton, 12/11/18.)

² (Exs. APP-9/Attachment B; DEEP-13; Copy of signed Order on Motion to Enforce Settlement, July 31, 2006, public comment, 12/5/18, S. Caldrello.)

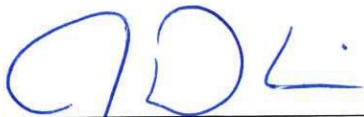
³ The photos of a storm drain pipe submitted as part of public comments showing stones on top of and around the pipe are of a pipe that was installed prior to the existing concrete pipe. (Speaker's Ex.-1; test. J. Edgerton, M. Grzywinski, 12/11/18.)

- **Sand cover.** No imported sand will be used in this project and no sand will be removed from the beach. In the context of this beach, there will not be a large volume of sand impacted. Any sand moved during construction will be placed back on the beach after the work is complete; wave action and other natural processes will re-distribute this sand within the beach. (Test. J. Edgerton, 12/11/18.)
- **Re-establishment of Osprey Beach structure.** The concrete drain pipe on Osprey Beach ends landward of the coastal jurisdiction line so any issues with vertical clearance between the pipe and the bottom of a re-built structure would not be in DEEP jurisdiction. However, when designing the riprap splash pad, the Applicant considered the possible rebuilding of the Osprey Beach pavilion and decking that was located above the drain pipe before that structure was damaged by Hurricane Sandy. An existing set of timber pilings will be retained; any new pilings will be placed within the footprint of the existing pilings. If the elevation of the new pavilion and associated decking has to be raised due to sea level rise considerations, the “head room” between the bottom of the new structure and the concrete pipe will increase. In any event, the public will retain access to the water below mean high water. (Exs. APP-9, 10/C-2, DEEP-11; test. J. Edgerton, M. Grzywinski, 2/11/18.)
- **Water Quality.** As part of the “MS4 General Permit,” the City of New London is required to take steps to keep stormwater entering its storm sewer systems clean before entering water bodies. The City has vigorous stormwater management efforts in place and has passed a stormwater management ordinance to require conformance with the regulations set forth in the MS4 permit. The City has also established a public stormwater utility to maintain its stormwater infrastructure and comply with efforts such as removing illicit or illegal discharges from its stormwater system and sampling stormwater discharges for pollution. The quality of the water that is discharged from the existing pipe and will be dissipated by the proposed riprap will be protected due to this stewardship by the City. (Test. J. Edgerton, 12/11/18.)
- **Safety.** The City has an easement from the Osprey Beach Association for the existing pipe and has taken actions to promote safety around the structure. The pipe is encapsulated in concrete and has a grate on its open front to prevent access to the inside of the pipe. The Applicant has insurance coverage if there are any claims due to its actions, however, the City maintains that any further actions to ensure the safety of any persons, including children, walking or playing on or around the pipe or associated areas are the responsibility of the Beach Association. (Ex. APP-17; test. J. Edgerton, 12/11/18.)

- **Long-term maintenance.** The permit requires the Applicant to submit a Maintenance Plan for DEEP approval. Under this Plan, the City is responsible for conducting continuing and long-term maintenance to remove any sand or debris material that accumulates within the pipe or the stone riprap and affects the operation or function of either structure. (Ex. DEEP-9; test. M. Grzywinski, 12/11/18.)
- **Enforcement of permit conditions.** If the City does not comply with permit conditions in the future, there are actions DEEP can take to enforce those conditions. If DEEP receives a citizen's complaint, DEEP will inform the City of the complaint and conduct any needed inspection to identify a problem. Depending on the nature of the noncompliance, the Maintenance Plan could direct the resolution of the problem. If a problem requires repair or rebuilding, DEEP could grant emergency authorization to get the work done. Although DEEP will attempt to bring the City into compliance voluntarily, if necessary, DEEP can take progressively more aggressive actions to enforce its permit. (Ex. DEEP-9; test. M. Grzywinski, 12/11/18.)

CONCLUSION AND RECOMMENDATION

If the regulated activities are conducted as proposed and in compliance with the attached draft permit, any adverse environmental impacts will be minimized to the greatest extent practicable and the City will meet its goal of minimizing erosion as a result of the water discharge from the concrete pipe on Osprey Beach. I recommend that the Commissioner approve this application and issue a final permit to the City of New London to install a concrete splash pad as detailed in the appended Agreed Draft Decision and draft permit.



Janice B. Deshais
Hearing Officer

SERVICE LIST

City of New London
App. # 201800331

Party

Representative(s)

Applicant

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APPENDIX 1

AGREED DRAFT DECISION

CITY OF NEW LONDON COASTAL PERMIT APPLICATION #201800331

INSTALLATION OF A STONE RIP RAP PROTECTION PROJECT CITY OF NEW LONDON

January 25, 2019

1. Introduction: On January 5, 2018, the City of New London (the "Applicant") submitted an application to undertake regulated activities in tidal, coastal and navigable waters of the State waterward of the coastal jurisdiction line ("CJL"), for the installation of stone riprap as outlet protection to an existing 24" x 38" reinforced concrete pipe ("RCP") storm drain located at Osprey Beach in the City of New London. The purpose of the regulated activities is to minimize the erosion of the beach by dissipating the energy of stormwater runoff discharging from the RCP. This application seeks a permit to undertake said regulated activities under the provisions of the Structures, Dredging and Fill provisions of the Connecticut General Statutes ("General Statutes") sections 22a-359 through 363f, in accordance with the Connecticut Coastal Management Act, sections 22a-90 through 22a-112 of the General Statutes, sections 22a-30-1 through 22a-30-17 of the Regulations of Connecticut State Agencies ("RCSA") and the Connecticut Water Quality Standards, sections 22a-426-1 to 22a-426-9, inclusive, of the RCSA.
2. Parties: The parties to the proceeding are: the Applicant and staff from the Land & Water Resources Division ("LWRD") of the Department of Energy & Environmental Protection ("DEEP").
3. The parties have agreed to the admission of all the exhibits listed on the attached Prehearing Submissions comprising staff exhibits DEEP-1 through DEEP-22, and the Applicant's exhibits APP-1 through APP-16, except APP-14 which was duplicative of DEP-1 as well as APP-17 and APP-18, which were submitted at or after the public hearing.

FINDINGS OF FACT

Background:

1. Site Location and Character: The site is located at Osprey Beach, 946 Pequot Avenue (improperly identified as 1026 Pequot Avenue on the application) on Long Island Sound in New London, Connecticut. The beach is of sand composition, with several outcrops of bedrock to the south of the project site. The upper limit of the beach coincides with a concrete and masonry seawall that abuts the city street and sidewalk. (APP-1, Testimony of Jonathan C. Edgerton).
2. Application History: The initial application was received on January 9, 2018. It requested authorization for the installation of stone riprap as outlet protection to an existing 24" x 38" RCP storm drain. (APP-9). Notice of Application was published in the New London Day on December 27, 2017. (APP-9). On January 24, 2018, the DEEP issued a Notice of Insufficiency. (DEEP-2). On February 21, 2018, The New Osprey

Beach Trust submitted an objection to the application. (DEEP-3). The Applicant provided the requested information to DEEP on February 21, 2018 (DEEP-4) and submitted a Revised Permit Application on the same date. (APP-10 and DEEP 6). On August 10, 2018, DEEP issued a Notice of Tentative Determination to Approve the Structures, Dredging & Fill application to conduct work in tidal, coastal or navigable waters of the state waterward of the CJL for stormwater runoff energy dissipation as proposed by the Applicant. (DEEP-8).

A status conference was held on October 17, 2018 at which DEEP and the Applicant were directed to provide Pre-Hearing information by November 9, 2018 and at which a public hearing was scheduled for December 5, 2018. A Notice of Public Hearing was published in The Day newspaper on November 12, 2018. (DEEP-20). A site inspection took place on December 5, 2018 at 2:30 P.M. In attendance were the Hearing Officer, the Applicant, the Applicant's counsel, Brian K. Estep and Jeffrey T. Londregan, the Applicant's engineer, Jonathan C. Edgerton, Micheal Grzywinski and Brian Golembiewski (DEEP) and interested members of the public. The hearing was held in the City Hall Council Chambers, 181 State Street, New London CT at 6:30 P.M. Mr. Edgerton, the Applicant's expert witness, and Mr. Grzywinski (DEEP's expert witness) each testified as to the application's consistency with all applicable requirements. Members of the public spoke about their concerns that the proposed structure was not sufficient and would cause disruption of the Osprey Beach Club. Following the hearing, the Hearing Officer kept the record open until December 14, 2018, to receive written comments regarding the Application. After the hearing, DEEP received comments from members of the public, which primarily expressed concerns about the effect of the stone riprap on the beach and safety of the public. A hearing for the receipt of evidence from the parties was held on December 11, 2018 at DEEP Russell Room in Hartford, CT.

3. Project Description: The Applicant seeks authorization for the installation of stone riprap as an outlet protection to an existing 24" x 38" RCP storm drain located at Osprey Beach in the City of New London. The discharge pipe provides drainage relief of surrounding upland areas.
4. Compliance and Enforcement History: There are no previous permits or certificates issued by DEEP that authorized work waterward of the CJL at this site. The owners of the property, The New Osprey Beach Trust have received DEEP authorization to replace an elevated fixed pile and timber pavilion damaged by Superstorm Sandy. (DEEP-11). The owners of the property received a Notice of Non-Compliance #LIS-2015-3730-V requiring the removal of horizontal wooden beams that impeded public passage along the shoreline. (DEEP-12).
6. Tidal Wetlands Vegetation: While there is no tidal wetland vegetation located at the subject site, there is an eel grass bed located waterward of the existing outfall pipe in the subtidal area. Based upon its existence, an original plan to extend the existing pipe approximately 125 feet from the outlet of the storm drain was rejected based on potential adverse impacts to the existing eel grass bed. (APP-10 at page 5 and 7).
7. Shellfish: The City of New London does not have a Shellfish Commission. (APP-10, attachment 6). The Department of Agriculture, Bureau of Agriculture determined that the project would not significantly impact any shellfish area. (DEEP-6).

8. Connecticut Endangered, Threatened and Special Concern Species: A review of all Endangered, Threatened, and Special Concern species was conducted utilizing the Natural Diversity Data Base. A March 2, 2018 letter from Dawn McKay to Steven Saverese indicated that there are no anticipated impacts to State listed species (RCOA Sec. 26-306) resulting from the project. (DEEP-5).
9. Intertidal Flats: There are no intertidal flats in the vicinity of the project site. (DEEP-7).
10. Finfish: The proposed project will not adversely impact existing finfish populations in the vicinity of the project site. (DEEP-7).
11. Navigation Impacts: There are no navigational impacts. (DEEP-7).
12. Bluffs/Escarpments: There are none found on the site. (DEEP-7).
13. Coastal Hazard Area: Found on site, but not adversely impacted (DEEP-7).
14. Islands: There are none found on site. (DEEP-7).
15. Rocky Shorefront: Several properties located west of the project have stone riprap at the toe of existing seawalls. (DEEP-7).
16. Coastal Waters: Found at site, but not impacted by the proposed work. (DEEP-7).
17. Developed Shorefront: The area consists of residential properties and beach clubs with stone and masonry seawalls along Pequot Avenue. (DEEP-7).
18. Tidal and Freshwater Wetlands: There are no tidal or freshwater wetlands located at the site. (DEEP-7).
19. Water-dependent Uses: Not found at site. (DEEP-7).
20. Wildlife: The proposed activity is not expected to adversely affect wildlife. (DEEP-7).
21. Beaches/Dunes: The construction of the proposed stone riprap dissipater pad will result in an approximately 630 square feet of temporary impact to the existing beach. The excavated sand will be stored on the upland during construction and replaced to pre-existing grades upon completion of the work. (DEEP-7).
22. Public Trust: The project does not unreasonably encroach upon the public trust area in that it is contained within the footprint of the pavilion area of the beach club. (DEEP-7).
23. Harbor Management: The City of New London does not have a harbor management plan but it is in the process of being created. The New London Port Authority Chairman, Kenneth Edwards, Jr. believes the project will be consistent with the plan when adopted. (APP-10).
24. Army Corps of Engineers: The project has received authorization to proceed from the ACOE. (DEEP-1).

25. Federal Lawsuit: The City of New London was required by a decision of Magistrate United State Magistrate Judge Thomas P. Smith to install a discharge pipe of "sufficient substantiality" to replace the existing pipe that was in place on June 13, 2006. (DEEP-13).

Environmental Impacts: Environmental impacts associated with the construction and use of the proposed stone riprap dissipater pad have been minimized to the greatest extent practicable. (DEEP-7).

Alternatives: A project alternative was considered by the Applicant that would have extended the existing discharge pipe. The initial proposal would have extended it approximately 125 feet into the waters of Long Island Sound. This proposal was rejected after an environmental review discovered a bed of eel grass that would have been disturbed. A shorter pipe was rejected because of the dynamic wave action in the intertidal zone that would lead to instability of the pipe and plugging of the pipe with sand. (APP-1, Testimony of Jonathan Edgerton, APP-3, Testimony of Jamie C. Wallace and APP-5, Testimony of Todd D. Ritchie, PE).

After balancing all of the relevant concerns, the 8' wide by 20' long stone riprap dissipater pad located within the historical footprint of the Osprey Beach Club elevated pavilion represents the least intrusive and most environmentally sensitive of those alternatives considered. The stone riprap dissipater pad will reduce the erosion at the site from the stormwater discharges from the RCP and stabilize the beach area.

CONCLUSIONS

1. Environmental Impact of the Proposed Action: The proposed project would provide the Applicant with the ability to complete the discharge pipe repairs that started with the installation of the current discharge pipe. The record supports a finding that the potential environmental impacts from the proposed project have been sufficiently minimized and the proposed project is consistent with the following policies regarding coastal resources and coastal management:
- a. Section 22a-92(a)(1) of the General Statutes, which requires that the development, preservation or use of the land and water resources of the coastal area proceed in a manner consistent with the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth;
 - b. Section 22a-92(a)(2) of the General Statutes, which requires the preservation and enhancement of coastal resources;
 - c. Section 22a-92(a)(6) of the General Statutes, which encourages public access to the waters of Long Island Sound by expansion, development and effective utilization of state-owned recreational facilities within the coastal area that are consistent with sound resource conservation procedures and constitutionally protected rights of private property owners;
 - d. Section 22a-92(a)(8) of the General Statutes, which requires that activities of public agencies be coordinated to insure that state expenditures enhance development while affording maximum protection to natural coastal resources and processes in a manner consistent with the state plan for conservation and development;

- e. Section 22a-92(b)(1)(D) of the General Statutes, which requires that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts to coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners;
- f. Section 22a-92(b)(2)(F) of the General Statutes, which requires the management of coastal hazard areas so as to insure that development proceeds in such a manner that hazards to life and property are minimized and to promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect existing inhabited structures, infrastructural facilities or water dependent uses;
- g. Section 22a-92(b)(2)(I) of the General Statutes, which requires the regulation of shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources;
- h. Section 22a-92(c)(2)(A) of the General Statutes, which policies concerning coastal land and other resources within the coastal boundary (in part) are: (A) to manage estuarine embayments so as to insure that coastal uses proceed in a manner that assures sustained biological productivity, the maintenance of healthy marine populations and the maintenance of essential patterns of circulation, drainage and basin configuration;
- i. Section 22a-30(c) of the General Statutes, which authorizes the adoption of regulations which establishes the criteria for granting, denying, or limiting permits giving due regard to the impacts of regulated activities on the wetlands of the state, adjoining coastal and tidal resources, navigation, recreation, erosion, sedimentation, water quality and circulation, fisheries, shellfisheries, wildlife, flooding and other natural disasters and water-dependent use opportunities as defined in chapter 444;
- j. Section 22a-33 of the General Statutes, which requires that the DEEP consider the effect of the proposed work with reference to the public health and welfare, marine fisheries, shellfisheries, wildlife, the protection of life and property from flood, hurricane and other natural disasters, and the public policy set forth in sections 22a-28 to 22a-35, inclusive;
- k. Section 22a-359 of the General Statutes, which establishes the criteria for review of applications seeking permission for dredging and erection of structures and placement of fill in tidal, coastal or navigable waters; which requires the Department to make permit decisions with due regard for indigenous aquatic life, fish and wildlife, the prevention or alleviation of shore erosion and coastal flooding, the use and development of adjoining uplands, the improvement of coastal and inland navigation for all vessels, including small craft for recreational purposes, the use and development of adjacent lands and properties and the interests of the state, including pollution control, water quality, recreational use of public water and management of coastal resources, with proper regard for the rights and interests of all persons concerned; and

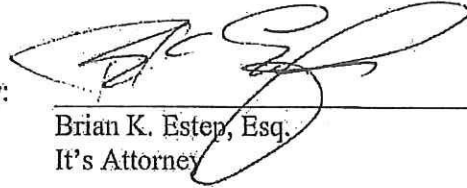
1. Section 26-310(a) of the General Statutes, which requires that each state agency, in consultation with the Commissioner, shall conserve endangered and threatened species and their essential habitats, and shall ensure that any action authorized, funded or performed by such agency does not threaten the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat designated as essential to such species, unless such agency has been granted an exemption.
2. Consistent with All Applicable Standards: The proposal is consistent with applicable standards, goals and policies of section 22a-359 of the General Statutes.
3. Alternatives to the Proposed Action: There is no feasible or prudent alternative which would have less impact on the coastal resources while allowing the proposed improvements to occur at the site.
4. Public Comments and Testimony. The public comments focused primarily on the proposed stone riprap and the previous under-sized stone riprap that was placed to maintain the discharge pipe when it was first installed. Numerous comments and photographs of the pipe in its initial status were presented by the owners of the Osprey Beach Club and other speakers. The records contain photographs of the existing discharge pipe that show the stages of construction including a reinforced concrete footing and encasement in concrete (APP-11 through 13) in order to alleviate the original issues with the undersized stone riprap. Furthermore, the site visit confirmed that the pipe was in the same condition as outlined in the photographs provided by the Applicant. Jonathan Edgerton confirmed that the proposed stone riprap pad would contain stones that were on average 24" in size and would be buried below the level of the discharge pipe (Hearing, Testimony of Jonathan Edgerton). Other public comments were regarding maintenance of the stone riprap once it had been installed. The draft license contains a special condition requiring maintenance by the Applicant of the riprap in optimal condition during the life of the structure. Micheal Grzywinski confirmed at the hearing that those requirements would continue in the final license and that the DEEP would have jurisdiction regarding any complaints regarding maintenance issues (Hearing, Testimony of Micheal Grzywinski). Finally, public speakers and written comments raised concerns regarding injuries sustained by the public or beach club members on or around the discharge pipe or stone riprap pad. The Applicant confirmed that there is insurance coverage that would cover any claims regarding injuries relating to the Applicant's discharge pipe and the stone riprap pad. (APP-17). It is submitted that the major areas of concern raised by the public are met by the application and the draft license.

AGREEMENT

Based on the foregoing, the undersigned hereby agree to the granting of a permit subject to the standard and special conditions stated in the Draft License, DEEP-9, attached hereto.

APPLICANT, CITY OF NEW LONDON

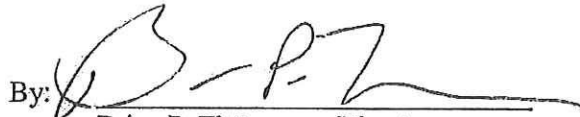
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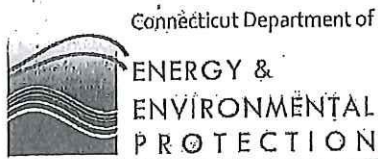
Brian K. Estep, Esq.
It's Attorney

LAND & WATER RESOURCES DIVISION

By:



Brian P. Thompson, Director
Land & Water Resources Division
Department of Energy & Environmental
Protection



Draft

Bureau of Water Protection and Land Reuse
Land & Water Resources Division

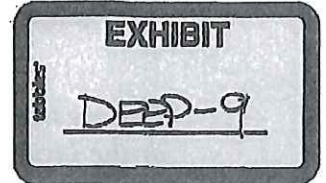
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Affirmative Action/Equal Opportunity Employer

Connecticut Department of Energy and Environmental Protection License*

Structures, Dredging & Fill Permit



Licensee(s): City of New London, c/o
Stephen Savarese

Licensee Address(s): 181 State Street
New London, CT 06320

License Number(s): 201800331-SDF

Municipality: City of New London

Project Description: Install a stone riprap splash pad for stormwater outfall protection.

Project Address/Location: identified as Map G27, Block 2, Lot 36 on the City of New
London Assessor's Map

Waters: Thames River/Long Island Sound

**Authorizing CT Statute(s)
and/or Federal Law:** CGS Section 22a-359 to 363g; CGS Section 22a-90 to 112

**Applicable Regulations of
CT State Agencies:** 22a-426-1 to 9

Agency Contact: Land & Water Resources Division,
Bureau of Water Protection & Land Reuse, 860-424-3019

License Expiration: Five (5) years from the date of issuance of this license.

Project Site Plan Set: Seven (7) sheets of plans dated February 2018

License Enclosures: Compliance Certification Form, Land Record Filing, LWRD
General Conditions, Site Plan Set, Work Commencement Form

Authorized Activities:

The Licensee is hereby authorized to conduct the following work as described in application #
201800331-SDF:

1. using land-based equipment, excavate an 18' wide by 35' long section of existing beach located immediately waterward of an existing 24" by 38" reinforced concrete pipe (RCP) storm water outfall pipe;

*Connecticut's Uniform Administrative Procedure Act defines License to include, "the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law . . ."

- 2. stockpile the excavated sand material on the upland;
- 3. place geotechnical fabric and construct an 8' wide by 20' long by 3' thick stone riprap outfall protection pad; and
- 4. place the excavated sand material identified above within the area of excavation on the beach to pre-existing grades.

Failure to comply with the terms and conditions of this license shall subject the Licensee and / or the Licensee's contractor(s) to enforcement actions and penalties as provided by law.

This license is subject to the following Terms and Conditions:

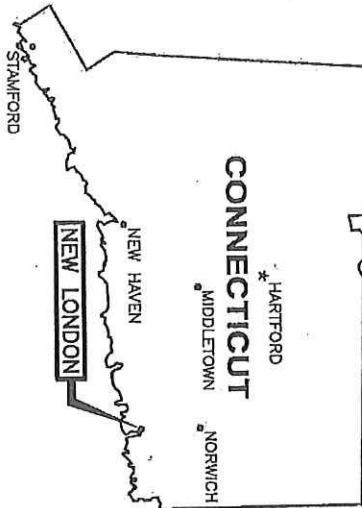
- 1. **License Enclosure(s) and Conditions.** The Licensee shall comply with all applicable terms and conditions as may be stipulated within the License Enclosure(s) listed above.
- 2. All work authorized herein shall be conducted using land-based equipment during periods of low water. At no time shall equipment, stockpiled sand or materials be staged or stored on the existing beach located waterward of the existing seawall.
- 3. Within ninety (90) days following the issuance of this license, the Licensee shall submit for the Commissioner's review and written approval a Maintenance Plan ("Plan") outlining maintenance provisions for either sand or debris material that accumulates within the existing stormwater outfall pipe or on the stone riprap pad that affects the operation and function of either structure. The Plan shall identify the means and methods for the removal of sand or debris material and shall identify the appropriate regulatory processes for each option. The Licensee shall be responsible for the submission of necessary regulatory applications and conducting maintenance activities to the structures upon receipt of any approvals.
- 4. The Licensee shall install and maintain the stone riprap splash authorized herein in optimal condition for the life of the structure.

Issued under the authority of the Commissioner of Energy and Environmental Protection on:

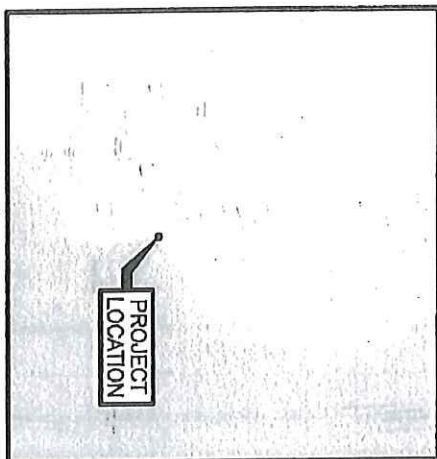
_____ Date

 Robert E. Kaliszewski
 Deputy Commissioner
 Department of Energy & Environmental Protection

CITY OF NEW LONDON, CONNECTICUT
PUBLIC WORKS DEPARTMENT
PERMIT DRAWINGS FOR
OSPREY BEACH PHASE II
STORM DRAIN EXTENSION
FEBRUARY 2018



<u>DRAWING INDEX</u>	
<u>SHEET</u>	<u>TITLE</u>
-	COVER
C-1	EXISTING CONDITIONS PLAN
C-2	PROPOSED SITE PLAN
C-3	PROPOSED SITE PLAN
C-4	PROPOSED PROFILE
C-5	PROPOSED RIPRAP SECTION
C-6	EROSION CONTROL NOTES, DETAILS & STOCKPILE LAYDOWN PLAN



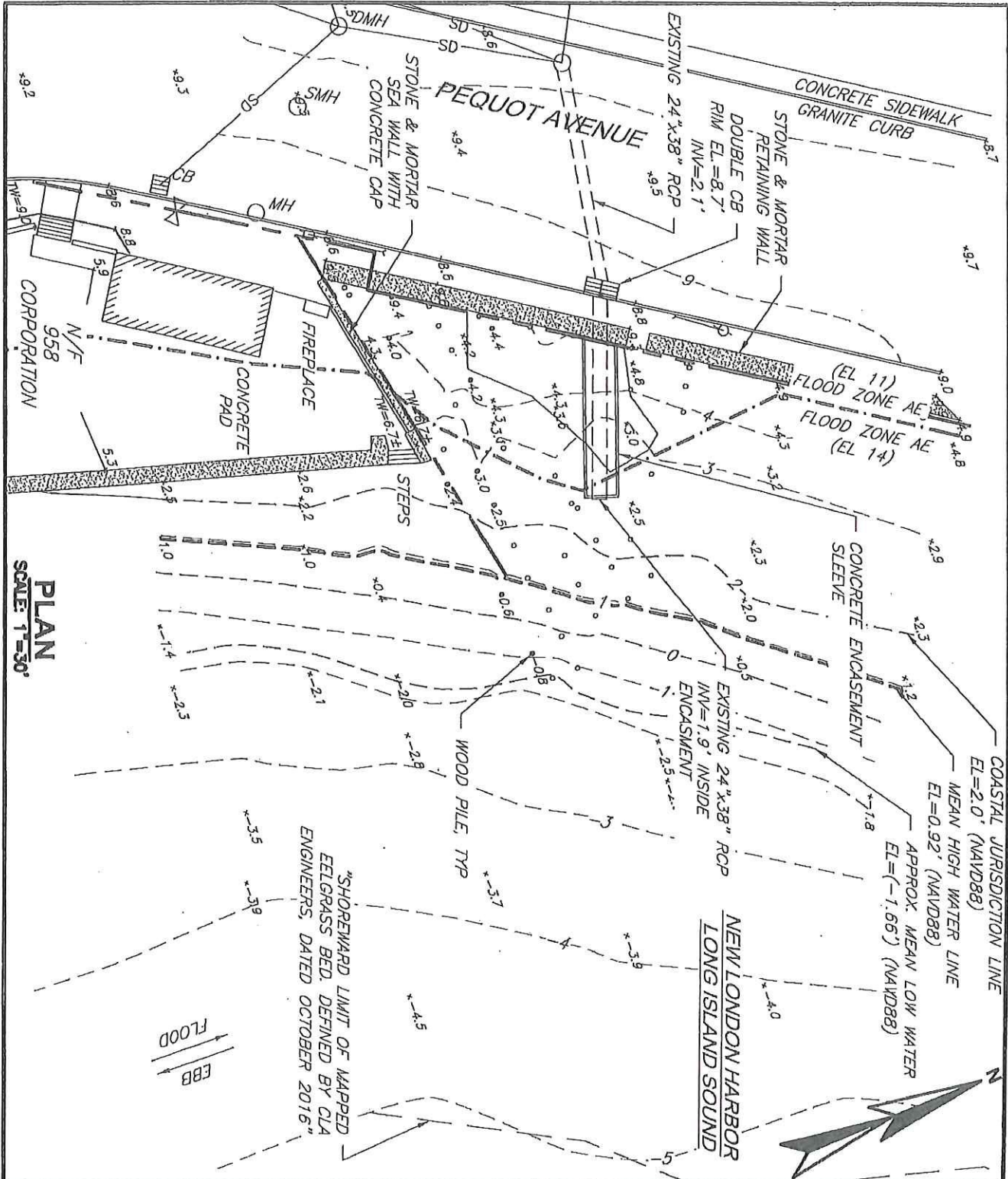
LOCATION PLAN
 SCALE: NTS

WRIGHT-PIERCE

Engineering & Construction Services

888.621.8156 | www.wright-pierce.com

WP PROJECT No. 12915B



CITY OF NEW LONDON, CT
 OSPREY BEACH PHASE II
 STORM DRAIN EXTENSION

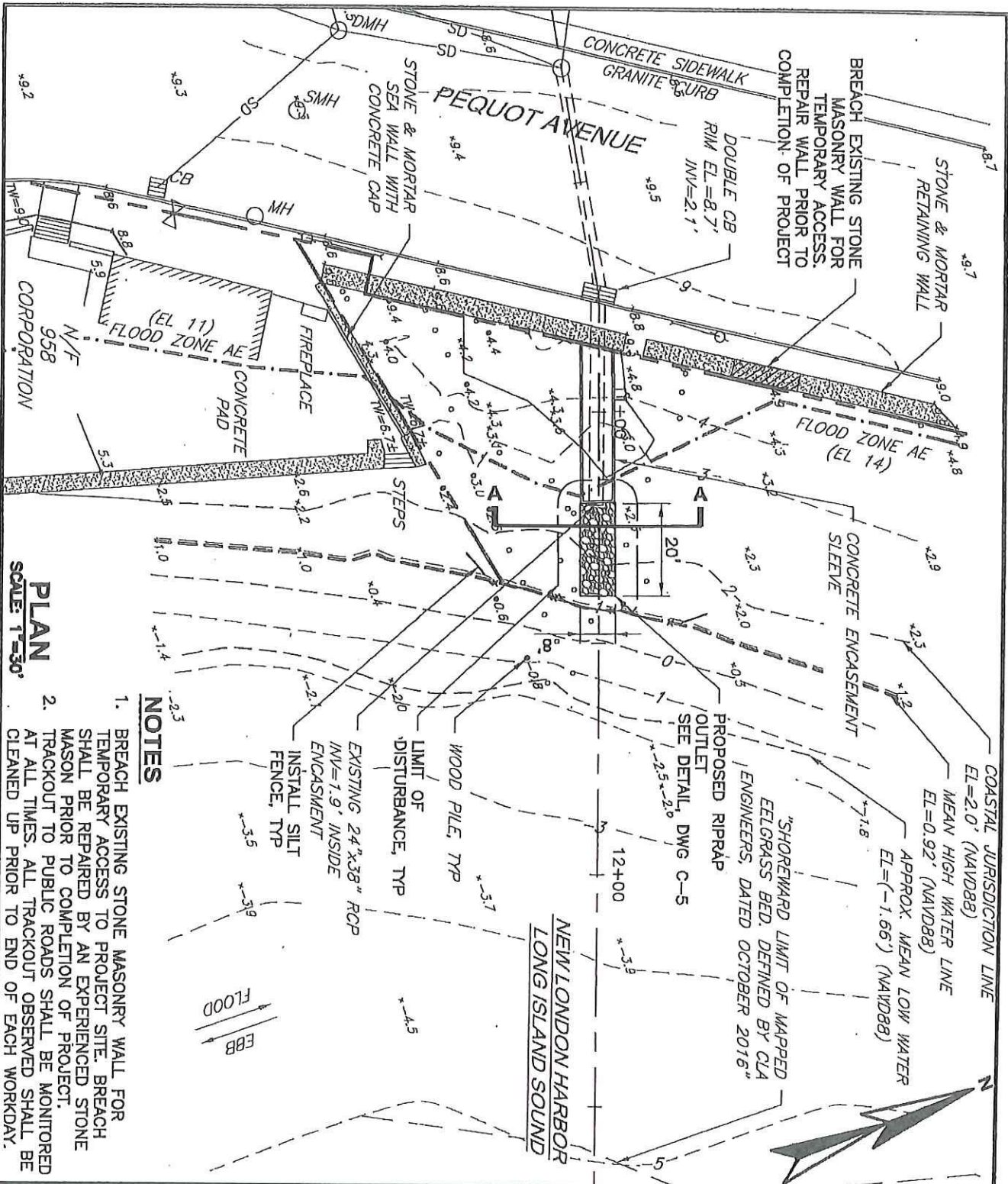
PROJ NO: 12915B DATE: FEB. 23, 2018

WRIGHT-PIERCE
 ENGINEERS & ARCHITECTS

NO.	REVISIONS	DRAWN BY	APP'D
1			
2			
3			

EXISTING CONDITIONS PLAN

DRAWING
C-1



PLAN
SCALE: 1"=30'

NOTES

1. BREACH EXISTING STONE MASONRY WALL FOR TEMPORARY ACCESS TO PROJECT SITE. BREACH SHALL BE REPAIRED BY AN EXPERIENCED STONE MASON PRIOR TO COMPLETION OF PROJECT.
2. TRACKOUT TO PUBLIC ROADS SHALL BE MONITORED AT ALL TIMES. ALL TRACKOUT OBSERVED SHALL BE CLEANED UP PRIOR TO END OF EACH WORKDAY.

CITY OF NEW LONDON, CT
OSPREY BEACH PHASE II
STORM DRAIN EXTENSION

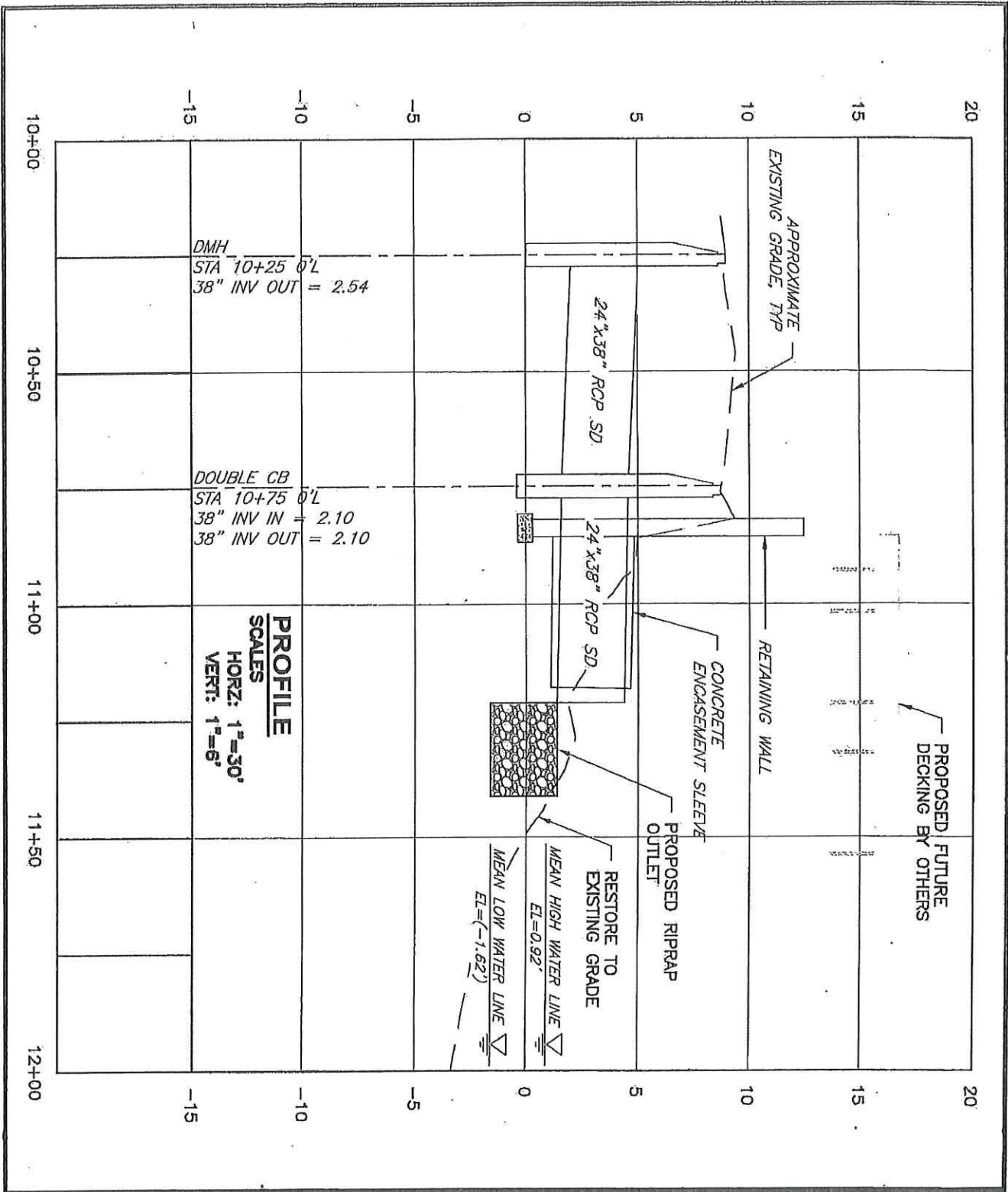
PROJ NO: 12915B DATE: FEB. 23, 2018

WRIGHT-PIERCE
Engineering & Public Administration

NO.	REVISIONS	DRAWN BY	APP'D
1			
2			
3			

PROPOSED SITE PLAN

DRAWING
C-3



DMH
STA 10+25 0'L
38" INV OUT = 2.54

DOUBLE CB
STA 10+75 0'L
38" INV IN = 2.10
38" INV OUT = 2.10

PROFILE
SCALES
HORZ: 1"=30'
VERT: 1"=6'

RESTORE TO EXISTING GRADE
EL=0.92'
MEAN HIGH WATER LINE ∇
MEAN LOW WATER LINE ∇
EL=(-1.62')

CITY OF NEW LONDON, CT
OSPREY BEACH PHASE II
STORM DRAIN EXTENSION

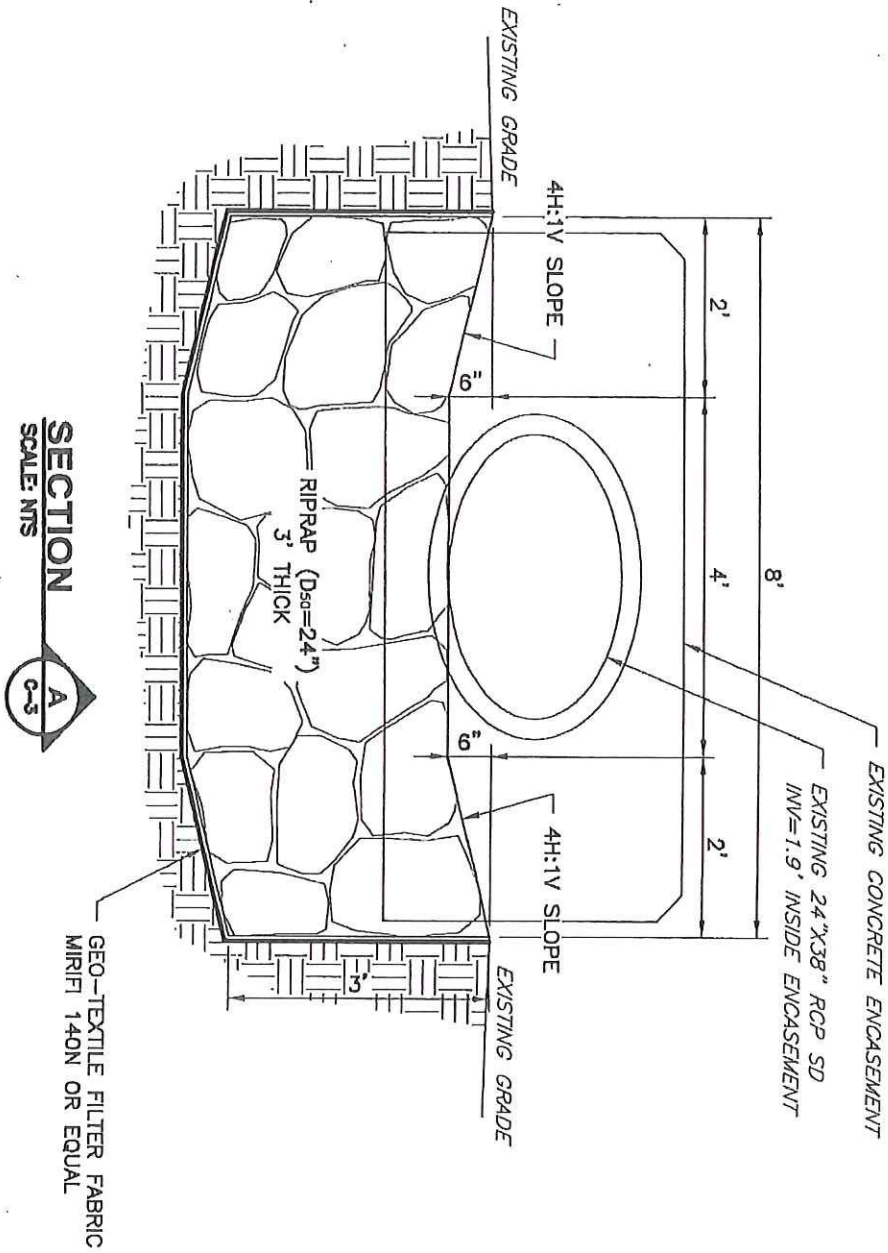
PROJ NO: 12915B DATE: FEB. 23, 2018



NO.	REVISIONS	DRAWN BY	APP'D
1			
2			
3			

PROFILE PLAN

DRAWING
C-4



SECTION
SCALE: NTS
A
C-5

CITY OF NEW LONDON, CT
OSPREY BEACH PHASE II
STORM DRAIN EXTENSION

PROJ NO: 12915B DATE: FEB. 23, 2018

WRIGHT-PIERCE
Engineering & Construction

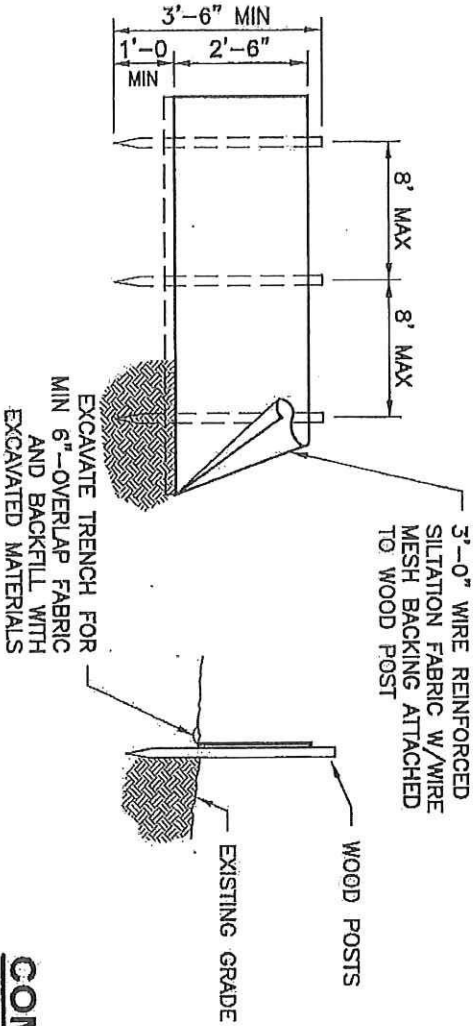
NO.	REVISIONS	DRAWN BY	APP'D
1			
2			
3			

PROPOSED RIPRAP SECTION

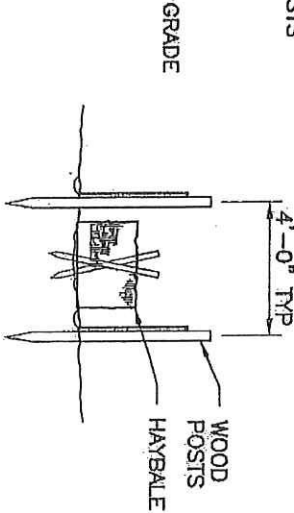
DRAWING
C-5

EROSION AND SEDIMENTATION CONTROL NOTES

1. ALL SEDIMENT, EROSION AND TURBIDITY CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH CONNECTICUT DEEP REQUIREMENTS.
2. SEDIMENT BARRIERS SHOULD BE INSTALLED PRIOR TO ANY SOIL DISTURBANCE OF UPGRADIENT DRAINAGE AREAS.
3. ALL EROSION CONTROL STRUCTURES WILL BE INSPECTED, REPLACED, AND/OR REPAIRED EVERY 7 DAYS AND IMMEDIATELY FOLLOWING ANY SIGNIFICANT RAINFALL OR SNOW MELT OR WHEN NO LONGER SERVICEABLE DUE TO SEDIMENT ACCUMULATION OR DECOMPOSITION. SEDIMENT DEPOSITS MUST BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE HALF THE HEIGHT OF THE BARRIER. SEDIMENT CONTROL DEVICES SHALL REMAIN IN PLACE AND BE MAINTAINED BY THE CONTRACTOR UNTIL AREAS UPSLOPE ARE PERMANENTLY STABILIZED.
4. ALL TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED ONCE THE WORK AREA IS STABILIZED.



SILT FENCE INSTALLATION DETAIL
SCALE: NTS



COMBINATION SILT FENCE AND HAY BALE BARRIER
SCALE: NTS

CITY OF NEW LONDON, CT OSPREY BEACH PHASE II STORM DRAIN EXTENSION		NO.	REVISIONS	DRAWN BY	APP'D
		1			
PROJ NO: 12915B		2			
DATE: FEB. 23, 2018		3			
				EROSION CONTROL NOTES, DETAILS & STOCKPILE LAYDOWN PLAN	
				DRAWING C-6	



Connecticut Department of
ENERGY &
ENVIRONMENTAL
PROTECTION

Bureau of Water Protection & Land Reuse
Land & Water Resources Division

79 Elm Street • Hartford, CT 06106-5127

www.ct.gov/deep

Affirmative Action/Equal Opportunity Employer

Land Record Filing*

To: City of New London Clerk

Signature and

Date:

Subject: identified as Map G27, Block 2, Lot 36 on the City of New London Assessor's Map
License #201800331-SDF

Pursuant to Section 22a-363g of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection gives notice that a license has been issued to City of New London, c/o Stephen Savarese, 181 State Street, New London, CT 06320 to:

1. using land-based equipment, excavate an 18' wide by 35' long section of existing beach located immediately waterward of an existing 24" by 38" reinforced concrete pipe (RCP) storm water outfall pipe;
2. stockpile the excavated sand material on the upland;
3. place geotechnical fabric and construct an 8' wide by 20' long by 3' thick stone riprap outfall protection pad; and
4. place the excavated sand material identified above within the area of excavation on the beach to pre-existing grades.

If you have any questions pertaining to this matter, please contact the Land & Water Resources Division at 860-424-3019.

Return to:

Land & Water Resources Division
State of Connecticut
Department of Energy & Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

*The Licensee shall file the Land Record Filing on the land records of the municipality in which the subject property is located not later than thirty (30) days after license issuance pursuant to Connecticut General Statutes (CGS) Section 22a-363g. A copy of the Notice with a stamp or other such proof of filing with the municipality shall be submitted to the Commissioner no later than sixty (60) days after license issuance.



Bureau of Water Protection & Land Reuse
Land & Water Resources Division

79 Elm Street • Hartford, CT 06106-5127

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Affirmative Action/Equal Opportunity Employer

Work Commencement Form

To: Regulatory Section
Department of Energy and Environmental Protection
Land & Water Resources Division
79 Elm Street
Hartford, CT 06106-5127

Licensee Name: _____
Licensee Address: _____

License No(s): 201800331-SDF & 401 WQC _____

CONTRACTOR(s):

1 Name: _____
Address: _____
Telephone: _____
E-mail: _____

2 Name: _____
Address: _____
Telephone: _____
E-mail: _____

3 Name: _____
Address: _____
Telephone: _____
E-mail: _____

Date Contractor(s) received a copy
of the license and approved plans: _____

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

LICENSEE: _____
(Signature) (Date)



Connecticut Department of Energy and Environmental Protection
 Bureau of Water Protection and Land Reuse
 Land & Water Resources Division

Compliance Certification Form

The following certification must be signed by the licensee working in consultation with a Connecticut-licensed design professional and must be submitted to the address indicated at the end of this form within ninety (90) days of completion of the authorized work.

1.	Licensee Name:	<u>City of New London</u>	
	License Number(s):	<u>201800331-SDF & 401 WQC</u>	
2. Check one: (a) <input type="checkbox"/> "I certify that the final site conditions and / or structures are in general conformance with the approved site plans". Identify and describe any deviations and attach to this form. (b) <input type="checkbox"/> "The final site conditions and / or structures are not in general conformance with the approved site plans. The enclosed "as-built" plans note the modifications".			
3. "I understand that any false statement in this certification is punishable as a criminal offence under section 53a-157b of the General Statutes and under any other applicable law."			
Signature of Licensee		Date	
Name of Licensee (print or type)			
Signature of CT-Licensed Design Professional		Date	
Name of CT-Licensed Design Professional (print or type)			
Professional License Number (if applicable)		Affix Stamp Here	
<ul style="list-style-type: none"> • As-built plans shall include: elevations or tidal datums, as applicable, and structures, including any proposed elevation views and cross sections included in the approved license plans. Such as-built plans shall be the original ones and be signed and sealed by an engineer, surveyor or architect, as applicable, who is licensed in the State of Connecticut. • The Licensee will be notified by staff of the Land and Water Resources Division (LWRD) if further compliance review is necessary. Lack of response by LWRD staff does not imply compliance. 			
Submit this completed form to : Regulatory Section Department of Energy and Environmental Protection Land & Water Resources Division 79 Elm Street Hartford, CT 06106-5127			



Bureau of Water Protection and Land Reuse
Land & Water Resources Division

79 Elm Street • Hartford, CT 06106-5127

www.ct.gov/deep

Affirmative Action/Equal Opportunity Employer

General Conditions for Land & Water Resources Division Licenses

1. **Land Record Filing (for Structures Dredging & Fill, Tidal Wetlands, Certificate of Permission, and Long Island Sound General Permit Licenses only).** The Licensee shall file the Land Record Filing on the land records of the municipality in which the subject property is located not later than thirty (30) days after license issuance pursuant to Connecticut General Statutes (CGS) Section 22a-363g. A copy of the Notice with a stamp or other such proof of filing with the municipality shall be submitted to the Commissioner no later than sixty (60) days after license issuance. If a Land Record Filing form is not enclosed and the work site is not associated with an upland property, no filing is required.
2. **Contractor Notification.** The Licensee shall give a copy of the license and its attachments to the contractor(s) who will be carrying out the authorized activities prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Licensee's contractor(s) shall conduct all operations at the site in full compliance with the license and, to the extent provided by law, may be held liable for any violation of the terms and conditions of the license. At the work site, the contractor(s) shall, whenever work is being performed, have on site and make available for inspection a copy of the license and the authorized plans.
3. **Work Commencement¹.** Not later than two (2) weeks prior to the commencement of any work authorized herein, the Licensee shall submit to the Commissioner, on the Work Commencement Form attached hereto, the name(s) and address(es) of all contractor(s) employed to conduct such work and the expected date for commencement and completion of such work, if any.
 - For water diversion activities authorized pursuant to 22a-377(c)-1 of the Regulations of Connecticut State Agencies, the Licensee shall also notify the Commissioner in writing two weeks prior to initiating the authorized diversion.
 - For emergency activities authorized pursuant Connecticut General Statutes Section 22a-6k, the Licensee shall notify the Commissioner, in writing, of activity commencement at least one (1) day prior to construction and of activity completion no later than five (5) days after conclusion.
4. **For Coastal Licenses Only - License Notice.** The Licensee shall post the first page of the License in a conspicuous place at the work area while the work authorized therein is undertaken.
5. **Unauthorized Activities.** Except as specifically authorized, no equipment or material, including but not limited to, fill, construction materials, excavated material or debris, shall be

¹ The Work Commencement condition and the need for a Work Commencement Form is not applicable to Flood Management Certification approvals.

General Conditions for LWRD Licenses

deposited, placed or stored in any wetland or watercourse on or off-site. The Licensee may not conduct work within wetlands or watercourses other than as specifically authorized, unless otherwise authorized in writing by the Commissioner. Tidal wetlands means "wetland" as defined by section 22a-29 and "freshwater wetlands and watercourses" means "wetlands" and "watercourses" as defined by section 22a-38.

6. **Unconfined Instream Work.** Unless otherwise noted in a condition of the license, the following conditions apply to projects in non-coastal waters:
 - Unconfined instream work is limited to the period June 1 through September 30.
 - Confinement of a work area by cofferdam techniques using sand bag placement, sheet pile installation (vibratory method only), portadam, or similar confinement devices is allowed any time of the year. The removal of such confinement devices is allowed any time of the year.
 - Once a work area has been confined, in-water work within the confined area is allowed any time of the year.
 - The confinement technique used shall completely isolate and protect the confined area from all flowing water. The use of silt boom/curtain or similar technique as a means for confinement is prohibited.
7. **For State Actions Only - Material or Equipment Storage in the Floodplain.** Unless approved by a Flood Management Exemption, the storage of any materials at the site which are buoyant, hazardous, flammable, explosive, soluble, expansive, radioactive, or which could in the event of a flood be injurious to human, animal or plant life, below the elevation of the five-hundred (500) year flood is prohibited. Any other material or equipment stored at the site below said elevation by the Licensee or the Licensee's contractor must be firmly anchored, restrained or enclosed to prevent flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day. In accordance with the licensee's Flood Contingency Plan, the Licensee shall remove equipment and materials from the floodplain during periods when flood warnings have been issued or are anticipated by a responsible federal, state or local agency. It shall be the Licensee's responsibility to obtain such warnings when flooding is anticipated.
8. **Temporary Hydraulic Facilities for Water Handling.** If not reviewed and approved as a part of the license application, temporary hydraulic facilities shall be designed by a qualified professional and in accordance with the *Connecticut Guidelines for Soil Erosion and Sediment Control*, the *2004 Connecticut Stormwater Quality Manual*, or the *Department of Transportation's ConnDOT Drainage Manual*, as applicable. Temporary hydraulic facilities may include channels, culverts or bridges which are required for haul roads, channel relocations, culvert installations, bridge construction, temporary roads, or detours.
9. **Excavated Materials.** Unless otherwise authorized, all excavated material shall be staged and managed in a manner which prevents additional impacts to wetlands and watercourses.
10. **Best Management Practices.** The Licensee shall not cause or allow pollution of any wetlands or watercourses, including pollution resulting from sedimentation and erosion. In constructing

or maintaining any authorized structure or facility or conducting any authorized activity, or in removing any such structure or facility, the Licensee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. For purposes of the license, "pollution" means "pollution" as that term is defined by CGS section 22a-423. Best Management Practices include, but are not limited, to practices identified in the *Connecticut Guidelines for Soil Erosion and Sediment Control* as revised, *2004 Connecticut Stormwater Quality Manual*, Department of Transportation's *ConnDOT Drainage Manual* as revised, and the Department of Transportation Standard Specifications as revised.

- 11. Work Site Restoration.** Upon completion of any authorized work, the Licensee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
- 12. Inspection.** The Licensee shall allow any representative of the Commissioner to inspect the project location at reasonable times to ensure that work is being or has been conducted in accordance with the terms and conditions of this license.
- 13. Change of Use. (Applies only if a use is specified within the License "Project Description")**
 - a. The work specified in the license is authorized solely for the purpose set forth in the license. No change in purpose or use of the authorized work or facilities as set forth in the license may occur without the prior written approval of the Commissioner. The Licensee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this license, request permission from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
 - b. A change in the form of ownership of any structure authorized herein from a rental/lease commercial marina to a wholly-owned common interest community or dockominium may constitute a change in purpose as specified in paragraph (a) above.
- 14. De Minimis Alteration.** The Licensee shall not deviate from the authorized activity without prior written approval from the Commissioner. The Licensee may request a de minimis change to any authorized structure, facility, or activity. A de minimis alteration means a change in the authorized design, construction or operation that does not increase environmental impacts or substantively alter the construction of the project as authorized.
 - For diversion activities authorized pursuant to 22a-377(c)-2 of the Regulations of Connecticut State Agencies, a de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
- 15. Extension Request.** The Licensee may request an extension of the license expiration date. Such request shall be in writing and shall be submitted to the Commissioner at least thirty (30) days prior to the license expiration. Such request shall describe the work done to date, what work still needs to be completed, and the reason for such extension. It shall be the Commissioner's sole discretion to grant or deny such request.

General Conditions for LWRD Licenses

- 16. Compliance Certification.** Not later than 90 days after completion of the authorized work, the Licensee shall prepare and submit to the Commissioner the attached Compliance Certification Form. Such Compliance Certification shall be completed, signed, and sealed by the Licensee and a Connecticut Licensed Design Professional. If non-compliance is indicated on the form, or the Commissioner has reason to believe the activities and/or structures were conducted in non-compliance with the license, the Commissioner may require the Licensee to submit as-built plans as a condition of this license.
- 17. Maintenance.** The Licensee shall maintain all authorized structures or work in optimal condition or shall remove such structures or facility and restore the affected waters to their pre-work condition. Any such maintenance or removal activity shall be conducted in accordance with applicable law and any additional approvals required by law.
- 18. No Work After License Expiration.** Work conducted after the license expiration date is a violation of the license and may subject the licensee to enforcement action, including penalties, as provided by law.
- 19. License Transfer.** The license is not transferable without prior written authorization of the Commissioner. A request to transfer a license shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Licensee's obligations under the license shall not be affected by the passage of title to the license site to any other person or municipality until such time as a transfer is approved by the Commissioner.
- 20. Document Submission.** Any document required to be submitted to the Commissioner under the license or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:
- Regulatory Section
Land & Water Resources Division
Department of Energy and Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
860-424-3019
- 21. Date of Document Submission.** The date of submission to the Commissioner of any document required by the license shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under the license, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in the license, the word "day" as used in the license means calendar day. Any document or action which is required by the license to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
- 22. Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under the license shall be signed by the Licensee and by the individual or individuals responsible for actually preparing such

General Conditions for LWRD Licenses

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 and 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, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."

- 23. Accuracy of Documentation.** In evaluating the application for the license, the Commissioner has relied on information and data provided by the Licensee and on the Licensee's representations concerning site conditions, design specifications and the proposed work, including but not limited to representations concerning the commercial, public or private nature of the work or structures, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, the license may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
- 24. Limits of Liability.** In granting the license, the Commissioner has relied on all representations of the Licensee, including information and data provided in support of the Licensee's application. Neither the Licensee's representations nor the issuance of the license shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
- 25. Reporting of Violations.** In the event that the Licensee becomes aware that they did not or may not comply, or did not or may not comply on time, with any provision of this license or of any document incorporated into the license, the Licensee shall immediately notify the agency contact specified within the license and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the agency contact, the Licensee shall provide, for the agency's review and written approval, a report including the following information:
- a. the provision(s) of the license that has been violated;
 - b. the date and time the violation(s) was first observed and by whom;
 - c. the cause of the violation(s), if known;
 - d. if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
 - e. if the violation(s) has not ceased, the anticipated date when it will be corrected;
 - f. steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented; and
 - g. the signatures of the Licensee and of the individual(s) responsible for actually preparing such report.

If the violation occurs outside of normal business hours, the Licensee shall contact the Department of Energy and Environmental Protection Emergency Dispatch at 860-424-3333. The Licensee shall comply with any dates which may be approved in writing by the

General Conditions for LWRD Licenses

Commissioner.

26. **Revocation/Suspension/Modification.** The license may be revoked, suspended, or modified in accordance with applicable law.
27. **Other Required Approvals.** License issuance does not relieve the Licensee of their obligations to obtain any other approvals required by applicable federal, state and local law.
28. **Rights.** The license is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.
29. **Condition Conflicts.** In the case where a project specific special condition listed on the license differs from, or conflicts with, one of the general conditions listed herein, the project specific special condition language shall prevail. It is the licensee's responsibility to contact the agency contact person listed on the license for clarification if needed prior to conducting any further regulated activities.