

**OFFICE OF ADJUDICATIONS**

**IN THE MATTER OF**

**: APPLICATION NO. IW-2001-105**

**IWRD/FLOOD SECTION  
(JEREMY RIVER PROJECT)**

**: DECEMBER 27, 2001\***

**CORRECTED PROPOSED FINAL DECISION**

The Flood Section of the Department of Environmental Protection (DEP) Inland Water Resources Division has filed an application with the DEP for an inland wetlands and watercourses permit to conduct regulated activities in the Jeremy River in Colchester. General Statutes §22a-39. The parties have submitted an *Agreed Draft Decision* for my consideration (Attachment I). As more thoroughly described therein, these regulated activities are associated with bank stabilization and the installation of fish enhancements along 910 linear feet of the river.

Public comments were received during a November 28, 2001 hearing on this application at the Colchester Town Hall. Written comments were also submitted after the hearing. I have reviewed these comments, as well as all exhibits submitted by speakers. I have considered all relevant comments and exhibits in my review of the *Agreed Draft Decision*. Some of the comments received concern issues that, while related to the preservation of the Jeremy River and the surrounding area, are not within the scope of the responsibility of the DEP that is reflected in the proposed regulated activities.

By my signature on this *Proposed Final Decision*, I adopt the *Agreed Draft Decision* and recommend that the Commissioner issue the permit that is the subject of this application.

December 27, 2001  
Date

/s/ Janice B. Deshais  
Janice B. Deshais, Hearing Officer

\*The purpose for this Corrected Proposed Final Decision is to correct the date listed above.

**ATTACHMENT I**

**AGREED DRAFT DECISION**  
**APPLICATION NO. IW-2001-105**

**I**

**SUMMARY**

The Flood Section of the Department of Environmental Protection's (DEP's) Inland Water Resources Division ("Applicant") has applied to the DEP for an Inland Wetlands and Watercourses Permit pursuant to General Statutes §22a-39 to conduct regulated activities in the Jeremy River, near River Road, just upstream of the confluence with the Blackledge River at the beginning of the Salmon River, in the Town of Colchester, CT. These regulated activities are associated with the construction of bank stabilization and installation of fish enhancements along 910 linear feet of the river. (Ex. APP-1)

The Applicant and the Permitting Section of the DEP's Inland Water Resources Division ("staff") are the only parties in this matter. Staff supports issuance of the permit and has submitted into the record a draft permit that would authorize the Applicant's proposed regulated activities. (Ex. DEP-13)

The streambank stabilization and fish enhancements that are the subject of this permit application would enhance and restore fish habitat within the stabilized reach of the river and stem the introduction of sediment into the river which is degrading downstream fish habitat and recreational opportunities in the Salmon River. The project involves installing riprap along 450 feet of eroding bank on the north side of the river and 460 feet on the south side, installing three rock sills in the river bed, installing one rock stream barb at the upstream end of the project, and installing twelve fish habitat structures in the river bed and streambanks. The proposed project will alleviate degradation of streambanks, enhance fish habitat and provide recreational opportunities along the Jeremy and Salmon Rivers. (Ex. APP-1, Ex. DEP-12, Test. Polulech, Test. Gephard, Test. Christian)

The project has been planned to minimize wetland impacts while meeting current streambank and channel design standards. These proposed regulated activities, if conducted in accordance with the terms and conditions of the draft permit, would be consistent with the applicable legal standards for issuance of the permit. (Ex. APP-1, Ex. DEP-11, Ex. DEP-12, Test. Christian)

This permit should be issued in accordance with the terms and conditions of the draft permit (Attachment A)

## II

### DECISION

#### A. FINDINGS OF FACT

##### 1. The Application

On March 7, 2001, the Applicant submitted an application to the DEP for an Inland Wetland and Watercourses permit (Ex. APP-1). A hearing was requested through a petition filed by Mr. Charles Savitski of Amston, CT, signed by twenty seven other residents of Connecticut (Ex. DEP-6). A hearing was held on November 28, 2001 (Ex. DEP-7). The record remained open until December 7, 2001 to allow time for the submission of additional written public comments.

##### 2. The Project

- a. The proposed regulated activities that are the subject of this permit application (the “project”) are all associated with stabilizing eroding banks along 910 feet of the Jeremy River off River Road in Colchester, Connecticut. The reach of river affected is just upstream of the confluence with the Blackledge River at the beginning of the Salmon River. Generally 450 linear feet of eroding streambank on the north side of the river and 460 linear feet of eroding streambank on the south side will be stabilized by the installation of rock riprap to prevent further erosion from occurring in this reach. Additionally three rock sills will be installed in the river bed to encourage the development of pools and riffles for fish habitat restoration/enhancement, one rock stream barb will be installed at the upstream end of the project to deflect high stream flows away from the streambank to preserve fish habitat associated with an undercut bank, and twelve fish habitat structures will be constructed in the river bed and banks. The fish habitat structures include randomly placed boulder clusters and large woody debris clusters. In addition, topsoil will be placed over the standard size riprap and seeded and over 119 trees and shrubs will be planted on the streambanks to restore riparian habitats. As a result of the proposed work, 0.39 acres wetland areas will be permanently impacted by the construction of the riprap protection and an additional 2.1 acres will be temporarily impacted by the construction of a diversion channel during construction. A total of 2,139 cubic yards of riprap will be installed on the project site with 17,066 square feet of riprap installed within the ordinary high water mark. A total of 1,465 cubic yards of material will be removed from the main channel to restore/enhance the channel for fish habitat and 920 cubic yards of material will be temporarily removed from the dewatering channel. The area in which the temporary by-pass channel is being constructed will be restored to pre-construction grades and stabilized with vegetation. (Ex. APP-1, Ex. DEP-11, Ex. DEP-12, Test. Polulech)
- b. The river was evaluated using the classification standards developed by David Rosgen in his book Applied River Morphology. The design of this repair is based

upon placing the subject reach of the river back into dynamic equilibrium. The goal is to effectively transport water and sediment through the subject reach so that streambanks do not excessively erode and the stream channel does not aggrade or degrade. (Ex. App-1, Test. Polulech)

- c. The proposed project has been identified by the Applicant as a priority in implementing the recommendations of a multidisciplinary CTDEP Task Force which studied river related problems within the Salmon River watershed in 1987 with the results published in a January 1988 Salmon River Task Force Report. The study was undertaken as the result of the numerous concerns raised by many of the residents and stakeholders of that watershed. This project is intended to help in the elimination of existing erosion sites and the restoration/enhancement of fish habitat in an area which supports a cold-water fish community and is part of the Connecticut River Atlantic Salmon restoration project. This project follows the successful completion of a streambank stabilization and restoration project completed on the Jeremy River at a site just upstream in 1997. (Ex. APP-1, Ex. APP-6, Test. Christian)
- d. This reach of the Jeremy River is not in equilibrium as shown by the excessive erosion and excessive amount of braiding in the stream channels. Braiding is a classic sign of channels not in equilibrium which occurs in response to excessive erosion and a sediment load too large to be carried by a single channel. Increased development in the upper watershed has increased the amount of stormwater runoff and the quantity and duration of peak flow which has stressed the river, causing it to attack banks which previous to the storm of 1982 had been much more stable. The continued, excessive erosion since 1982 has degraded the fish habitat of the reach by causing the riverbed to widen and braid creating very shallow water conditions. Sediments removed by the flow have in turn degraded fish habitat within and downstream of the reach by filling in pools necessary to fish survival and by covering critical spawning areas. (Ex. DEP-12, Test. Polulech, Test. Gephard)

### **Watercourses/ Flood Control**

- e. The proposed work will occur on a reach of the Jeremy River just upstream of its confluence with the Blackledge River at the beginning of the Salmon River. The work starts just at the confluence and continues upstream on the Jeremy River for approximately 910 linear feet along the meander of the river. (Ex. APP-1, Test. Polulech)
- f. The reach of the Jeremy River on which the work is to be completed has no FEMA designated floodway or flood zones due to the fact that the area is located within a State forest area, part of the Salmon River State Forest. (Ex. APP-1, Ex. DEP-9, Ex. DEP-10)

### **Wetland Impact Sites/ Proposed Activities**

- g. The impacted areas on this project consist of open water riverine habitat and forested flood plain. The current project will permanently impact 0.39 acres of riverine wetlands by the installation of stone riprap streambank restoration and the installation of rock sills in the streambed. Additionally, 2.1 acres of forested flood plane will be temporarily impacted by the installation of a temporary by-pass channel. These impacts are minimal and are unavoidable for the construction of the streambank stabilization and fish habitat enhancements proposed. The area in which the temporary by-pass channel is being constructed will be restored to pre-construction grades and stabilized with vegetation. (Ex. APP-1, Ex. DEP-11, Test. Polulech, Test. Christian)
- h. CTDEP Fisheries Division recommended several measures, such as the installation of riprap sills and the installation of fish habitat structures, to minimize impacts to fisheries resources and to restore/enhance instream and riparian habitats. Per CTDEP Fisheries Division policy, the project will restrict any unconfined instream construction work to the period from June 1 to September 30, inclusive, to minimize any short term water quality and resource related impacts. All of these recommendations and requirements have been incorporated into the design plans and specifications. ((Ex. APP-1, Ex. DEP-12, Test. Murphy, Test. Christian)

### **3. Mitigation**

#### **Construction Mitigation: Erosion and Sedimentation Controls**

- a. The use of a by-pass channel is a best management practice that is being used in order to construct a major portion of the project in the dry. This technique will minimize any short-term turbidity and sedimentation impacts of the project. The area in which the temporary by-pass channel is being constructed will be restored to pre-construction grades and stabilized with vegetation. (Ex. APP-1, Test. Polulech)

#### **Other Mitigation Measures**

- b. During construction, the contractor is required to install measures or perform work in order to control erosion on the construction site and to minimize the production of sediment and other pollutants into the waters and air from his construction activities. (Ex. APP-1)
- c. Three rock sills will be installed in the river bed to encourage the development of pools and riffles for fish habitat restoration/enhancement. Twelve fish habitat structures which include randomly placed boulder clusters and large woody debris clusters will be constructed in the river bed and banks. In addition, topsoil will be placed over the standard size riprap and seeded and over 119 trees and shrubs will be planted on the streambanks to restore riparian habitats. (Ex. APP-1, Ex. DEP-12, Test. Polulech, Test. Murphy, Test. Christian)

### **4. State Threatened, Endangered, or Species of Special Concern**

A review of the CTDEP Natural Diversity Database Maps revealed that no threatened or endangered species are located within the proposed project area. (Ex. APP-1, Ex. DEP-11)

## **5. Alternatives**

During the planning and design of this project, a continuous examination of design alternatives was conducted. Numerous alternatives were considered in consultation with the various units of the DEP and regulatory agencies. Among the factors considered when assessing alternatives were the river geometry and morphology, river flows and velocities during normal flow conditions and storm conditions up to the 100 year flood event, sediment type and size and environmental concerns. The following alternatives were considered when examining the potential range of alternatives: (Ex. APP-1, Test. Polulech, Test. Christian)

1. The no build alternative was rejected because of the excessive erosion rate and the concerns with the downstream sedimentation.
2. The use of bioengineering techniques alone was rejected because of recent experience with the river moving up to 30 inch diameter rock at the Jeremy River Site One repair site. Engineering observations indicated that soft armorment bioengineering techniques alone would not be sufficient to resist the erosive attack of the river.
3. In order to resist the erosive forces of the river, the use of riprap to stabilize the outside bend of both the downstream and upstream curves was designed into the project.
4. The use of root wad fish habitat structures in the streambank riprap and in the river bed, the use of fish habitat rock structures in the river bed and the use of rock weirs in the river bed to produce pools and riffles were all strategies incorporated in to project design to restore and enhance the fish habitat in the project area.

## **B. CONCLUSIONS OF LAW**

The purposes and policies set forth in the Inland Wetlands and Watercourses Act are secured through the process and criteria outlined in §22a-41 of the General Statutes. Section 22a-41(b)(1) provides that where a permit application has been the subject of a hearing, the commissioner must find that there is no feasible and prudent alternative to the proposed action before issuing a permit. In determining whether such an alternative exists, the commissioner must consider all relevant facts and circumstances, including but not limited to, the six statutory factors outlined in §22a-41 (a).

The six factors set out in § 22a-41 (a) are:

- (1) The environmental impact of the proposed regulated activity on wetlands or watercourses;
- (2) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands and watercourses;
- (3) The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
- (4) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (A) prevent or minimize pollution or other environmental damage, (B) maintain or enhance existing environmental quality, or (C) in the following order of priority: Restore, enhance and create productive wetland or watercourse resources;
- (5) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
- (6) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

Applying these factors to this permit application, the following facts are found:

- (1) Environmental Impacts
  - a. The proposed project will result in some loss or impact of wetlands and some disturbance to wetlands during the construction phase.
  - b. The project has been designed and planned to reduce impacts on wetlands to the greatest extent possible. Recommendations of DEP Fisheries Division have been incorporated into design plans and specifications, minimizing impacts to fisheries resources. Impacts to wildlife as a result of the project will be limited due to the restricted area of the project and the planting of trees and shrubs in the disturbed area to enhance/restore the habitat.

- c. Short-term impacts during construction will be reduced through measures to control sedimentation and erosion, mainly the use of a by-pass channel to allow most of the work to be done in the dry. These controls will assure that no permanent adverse effects will impact fisheries or riparian habitat. These measures will minimize the chance that siltation and sedimentation will encroach into the area of the regulated wetlands and watercourses. The area in which the temporary by-pass channel is being constructed will be restored to pre-construction grades and stabilized with vegetation.
- d. Long term impacts to the project site will be the installation of stone riprap along 910 linear feet of stream bank. This impact will be mitigated by the installation of rock weirs in the river bed to form pools and ripples for fish habitat and by the installation of fish habitat structures in the river bed and banks. Additionally a rock stream barb will be installed at the upstream end of the project to preserve fish habitat associated with an undercut bank.
- e. The project will not result in any significant short or long-term environmental impacts. The overall long-term impacts to the wetlands will be minimal. Short-term impacts will be minimized by performing most of the work in the dry, thereby minimizing the amount of sediments leaving the site during construction. Long-term impacts to the wetland system as a habitat for fish and wildlife will be enhanced by the installation of fish habitat structures and by the planting of riparian trees and shrubs.

(2) Alternatives

There are no feasible or prudent alternatives to the present proposed plan for the project. The alternative of taking no action, or the “no build alternative”, would not meet the goal of the project and obligation of the applicant to repair major erosion areas within the watershed. The use of bioengineering techniques in lieu of hard stone riprap armoring of the streambanks will not accomplish the level of protection required to accomplish long term stabilization of the river. The applicant has adequately demonstrated that the proposed plan is a feasible and prudent choice.

(3) Short and Long-term Impacts / Maintenance and Enhancement of Long-Term Productivity

- a. The record demonstrates that the short-term impacts of the project, primarily due to the construction activities that will be necessary, will be minimized through sequencing of the construction activities to isolate the work areas from the river flow.
- b. The project will improve the functioning of some areas of the present wetland systems as improvements to the streambed channel and riparian areas will allow fish and wildlife to travel in and around the watercourses.



- c. This project will impact the environment, both in the short and long term. However, the short-term impacts during construction will be tempered by construction mitigation efforts and the long-term impacts will be kept to a minimum. The project will stabilize existing eroded streambanks reducing the potential for major amounts of sediments to move downstream. Improvements as a result of the project will enhance the overall long-term productivity of the wetlands.

(4) Irreversible/Irretrievable Loss of Wetlands and Watercourses Resources and Mitigation Measures

- a. The proposed project keeps to a minimum the irreversible and irretrievable loss of wetlands resources. In recognition of wetlands as an indispensable, irreplaceable fragile natural resource, the project is designed to protect existing wetland areas to the greatest extent possible.
- b. The project will restore and enhance some of the functions of the existing wetlands through the reduction in braiding of the stream channel, the installation of fish habitat structures and the planting of trees and shrubs in the riparian areas. The commitment of wetland resources to the proposed project will not result in an unacceptable loss of irretrievable or irreplaceable wetland resources.

(5) Impact on the Reasonable Use of Property

The project will result in stable streambanks in the project site and will drastically reduce sediment releases into the lower river. The success of this will be monitored through regular inspections during the construction phase of the project and also through a follow-up assessment of the project conducted by the DEP so that channel form and stability can be quantified over time. Potential impacts to wildlife and fisheries resources will be minimized through measures that include the incorporation of recommendations of the DEP. When concluded, the enhancements of existing stream channel and banks will facilitate fish and wildlife movement throughout the wetlands system and will enhance the ability of the wetland system to control stormwaters. The improvements as a result of the project will provide a stable river reach within the project area.

(6) Impacts on Wetlands Outside the Area

There is no evidence that the proposed project will have a negative impact on wetlands outside of the project area. The measures that will be taken during construction will prevent erosion and sedimentation that could encroach upon surrounding wetlands. Improvements as a result of the project, such as reduction of the movement of sediments downstream of the project site, will offset the impacts to wetlands.

## RECOMMENDATION

The requirements of General Statutes §22a-41(b) have been met by this permit application. The record presented and consideration of all the relevant facts and circumstances pursuant to the six factors outlined in §22a-41(a) demonstrate that there is no feasible and prudent alternative to the proposed project that meets the purpose of the project and that would cause substantially fewer impacts to the natural resources.

The armoring and stabilization of the streambanks will result in placing this reach of the river back into dynamic equalization, reducing the excessive amount of sediments moving downstream from the reach. The installation of fish habitat structures and the riparian plantings will restore and enhance the reach as a habitat for fish and wildlife. The permit that is the subject of this application should be issued.

<u>/s/ Alphonse J. Letendre</u>	<u>12/20/01</u>
Alphonse J. Letendre	Date
Applicant, Flood Section, CT DEP IWRD	

<u>/s/ Cheryl A. Chase</u>	<u>12/20/01</u>
Cheryl A. Chase	Date
CT DEP IWRD Representative	

**ATTACHMENT A**

**PERMIT**

Permittee: Connecticut Department of Environmental  
Protection

Inland Water Resources Division  
79 Elm Street, 3<sup>rd</sup> Floor  
Hartford, CT 0106-5127

Attn: Alphonse Letendre

Permit No: IW-2001-105  
Permit Type: Inland Wetlands and Watercourses  
Town: Colchester  
Project: Jeremy River Bank Stabilization

Pursuant to Connecticut General Statutes Section 22a-39 the Commissioner of Environmental Protection hereby grants a permit to the Connecticut Department of Environmental Protection Inland Water Resources Division (the "permittee") to conduct activities within inland wetlands or watercourses in the Town of Colchester in accordance with its application and plans which are part thereof filed with this Department on March 7, 2001 signed by Alphonse J. Letendre and dated March 7, 2001 (the "plans"). The purpose of said activities is bank stabilization and fisheries habitat enhancement on the Jeremy River just upstream of its confluence with the Blackledge River and south of River Road (the "site").

**AUTHORIZED ACTIVITY**

Specifically, the permittee is authorized to alter 0.39 acres of inland wetlands or watercourses for restoration and protection of eroding river banks and placement of in-stream fish habitat enhancement structures in accordance with said application.

This authorization constitutes the permits and approvals required by Section 22a-39 of the Connecticut General Statutes and is subject to and

does not derogate any present or future property rights or other rights or powers of the State of Connecticut, conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected hereby.

**PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT SHALL SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW.**

This authorization is subject to the following conditions:

**SPECIAL CONDITIONS**

1. If any changes are proposed in the water handling plan at the site from that which is shown on the permit plates, the permittee shall submit such changes to the Commissioner for review and written approval. The permittee shall not implement any such plan until an approval is issued.
2. If any changes are proposed in the bank protection from that which is shown on the permit plates, the permittee shall submit such changes to the Commissioner for review and written approval. The permittee shall not implement any such plan until an approval is issued.
3. The permittee shall not conduct any unconfined in-water work at the site between October 1 of any calendar year and May 31, inclusive, of the following calendar year.
4. Upon completion of the project the permittee shall restore to pre-construction grades the area in which the temporary by-pass channel is constructed and shall stabilize the restored area with vegetation.

5. At least 30 days prior to start of construction at the site the permittee shall submit to the Commissioner for review and written approval a proposal for assessment of the success of the stabilization project. This proposal should include time frames for assessment and should incorporate recommendations as may be made by the DEP Fisheries Division (contact: Brian Murphy, (860) 295-9523).

#### **GENERAL CONDITIONS**

1. **Initiation and Completion of Work.** At least five (5) days prior to starting any construction activity at the site, the permittee shall notify the Commissioner of Environmental Protection (the "Commissioner"), in writing, as to the date activity will start, and no later than five (5) days after completing such activity, notify the Commissioner, in writing, that the activity has been completed.
2. **Expiration of Permit.** If the activities authorized herein are not completed by five years after the date of this permit, said activity shall cease and, if not previously revoked or specifically extended, this permit shall be null and void.

Upon the written request of the permittee and without notice, the Commissioner may extend the expiration date of this permit for a period of up to one year, which period may be extended once for a like period, in order for the permittee to complete activities authorized herein which have been substantially initiated but will not be completed by the expiration date of this permit. Any request to extend the expiration date of this permit shall state with particularity the reasons therefore.

In making his decision to extend the expiration date of this permit, the Commissioner shall consider all relevant facts and circumstances including but not limited to the extent of work completed to date, the permittee's compliance with the terms and conditions of this permit, and any change in environmental conditions or other information since the permit was issued.

Any application to renew or reissue this permit shall be filed in accordance with the Section 22a-39 of the General Statutes and section 22a-3a-5(c) of the regulations of Connecticut State Agencies.

3. **Compliance with Permit.** All work and all activities authorized herein conducted by the permittee at the site shall be consistent with the terms and conditions of this permit. Any regulated activities carried out at the site, including but not limited to, construction of any structure, excavation, fill, obstruction, or encroachment, that are not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. In constructing or maintaining the activities authorized herein, the permittee shall not store, deposit or place equipment or material including without limitation, fill, construction materials, or debris in any wetland or watercourse on or off site unless specifically authorized by this permit. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions of this permit.
4. **Transfer of Permit.** This authorization is not transferable without the written consent of the Commissioner.
5. **Reliance on Application.** In evaluating the permittee's application, the Commissioner has relied on information provided by the permittee. If such information subsequently proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked.

6. **Best Management Practices.** In constructing or maintaining the activities authorized herein, the permittee shall employ best management practices, consistent with the terms and conditions of this permit, to control storm water discharges and erosion and sedimentation and to prevent pollution. Such practices to be implemented by the permittee at the site include, but are not necessarily limited to:
- a. Prohibiting dumping of any quantity of oil, chemicals or other deleterious material on the ground;
  - b. Immediately informing the Commissioner's Oil and Chemical Spill Section at 424-3338 of any adverse impact or hazard to the environment, including any discharges, spillage or loss of oil or petroleum or chemical liquids or solids, which occurs or is likely to occur as the direct or indirect result of the activities authorized herein;
  - c. Separating staging areas at the site from the regulated areas by silt fences or haybales at all times.
  - d. Prohibiting storage of any fuel and refueling of equipment within 25 feet from any wetland or watercourse.
  - e. Preventing pollution of wetlands and watercourses in accordance with the document "Connecticut Guidelines for Soil Erosion and Sediment Control" as revised. Said controls shall be inspected by the permittee for deficiencies at least once per week and immediately after each rainfall and at least daily during prolonged rainfall. The permittee shall correct any such deficiencies within forty eight (48) hours of said deficiencies being found.
  - f. Stabilizing disturbed soils in a timely fashion to minimize erosion. If a grading operation at the site will be suspended for a period of thirty (30) or more consecutive days, the permittee

shall, within the first seven (7) days of that suspension period, accomplish seeding and mulching or take such other appropriate measures to stabilize the soil involved in such grading operation. Within seven (7) days after establishing final grade in any grading operation at the site the permittee shall seed and mulch the soil involved in such grading operation or take such other appropriate measures to stabilize such soil until seeding and mulching can be accomplished.

- g. Prohibiting 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. Any other material or equipment stored at the site below said elevation by the permittee or the permittee's contractor must be firmly anchored, restrained or enclosed to prevent flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day.
  
- h. Immediately informing the Commissioner's Inland Water Resources Division (IWRD) of the occurrence of pollution or other environmental damage resulting from construction or maintenance of the authorized activity or any construction associated therewith in violation of this permit. The permittee shall, no later than 48 hours after the permittee learns of a violation of this permit, report same in writing to the Commissioner. Such report shall contain the following information:
  - (i) the provision(s) of this permit that has been violated;
  
  - (ii) the date and time the violation(s) was first observed and by whom;



- (iii) the cause of the violation(s), if known
- (iv) if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
- (v) if the violation(s) has not ceased, the anticipated date when it will be corrected;
- (vi) 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;
- (vii) the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify said report in accordance with section 9 of this permit.

For information and technical assistance, contact the Department of Environmental Protection's Inland Water Resources Division at (860)424-3019.

7. **Contractor Liability.** The permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
8. **Monitoring and Reports to the Commissioner.** The permittee shall record all actions taken pursuant to Condition Number 6(e) of this permit and shall, on a monthly basis, submit a report of such actions to the Commissioner. This report shall indicate compliance or noncompliance with this permit for all aspects of the project which is the subject of this permit. The report shall be signed by the environmental inspector assigned to the site by the permittee and shall be certified in accordance with Condition Number 9 below. Such monthly report shall

be submitted to the Commissioner no later than the 15th of the month subsequent to the month being reported. The permittee shall submit such reports until the subject project is completed.

9. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee, a responsible corporate officer of the permittee, a general partner of 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 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 in accordance with Section 22a-6 under Section 53a-157b of the Connecticut General Statutes."

10. **Submission of Documents.** The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. Except as otherwise specified in this permit, the word "day" as used in this permit means the calendar day. Any document or action which falls on a Saturday, Sunday, or legal holiday shall be submitted or performed by the next business day thereafter.

Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

The Director  
DEP/Inland Water Resources Division  
79 Elm Street, 3rd Floor  
Hartford, Connecticut, 06106-5127

Issued by the Commissioner of Environmental Protection on:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Arthur J. Rocque, Jr., Commissioner