



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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February 18, 2020

Mr. Christopher Stone, P.E
Department of Energy and Environmental Protection
Water Permitting and Enforcement Division
Bureau of Materials Management and Compliance Assurance
79 Elm Street
Hartford, CT 06106-5127

Dear Mr. Stone:

Subject: Department of Transportation's Comments on Draft Stormwater Construction
General Permit

The Department of Transportation (Department) has reviewed the Department of Energy and Environmental Protection's (DEEP) proposed modifications to the *General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activity* revised December 19, 2019 (General Permit). The Department appreciates the opportunity to comment on the proposed modifications and presents the following comments.

The Department sets the state industry standards for design and construction with many layers of independent project oversight and checks and balances that meet the intent of the proposed language in the revised General Permit. The Department's process for the contractor's responsibility to attend preconstruction meetings, clearing and grubbing meetings, and site inspections (throughout the life of the project and post construction) is restrictive and set by both the construction contract and specifications. The Department's Construction Manual sets forth the independent contractor oversight by a multilevel process that involves Department District Construction Inspectors, District Environmental Coordinators, and personnel from the Environmental Resource Compliance Unit within the Office of Environmental Planning. This unit is in a separate Department Bureau (Policy and Planning) from Construction (Engineering and Construction) who perform independent site inspection to ensure compliance with the contract.

For these reasons, the Department requests that new subsections be included in the revised General Permit under Section 3(b)(15)(G) and Section 6(a)(3) to address the unique nature of the Department's operations that also meets the intent of the General Permit. The new section suggestions are as follows.

New Section 3(b)(15)(G), for Department of Transportation Projects:

- i. Permittee shall conduct a preconstruction meeting with the contractor that conveys the design, site inspection, erosion and sediment control, and contract requirements for the project prior to earth disturbance.
- ii. The District Environmental Coordinator shall conduct the Plan Implementation Inspection(s) pursuant to Section 5(b)(4)(A) and shall submit such Plan Implementation Inspection report(s) to the commissioner confirming compliance with the general permit and proper initial implementation of all control measures designated in the Plan for the initial phase of construction.
- iii. The State is not required to provide financial assurance.

New Section 6(a)(3), for Department of Transportation Projects:

Once all post-construction stormwater measures have been installed in accordance with the Post-Construction Stormwater Management section (subsection 5(b)(2)(C)) and cleaned of any construction sediment or debris, the District Engineer or his designee and/or District Environmental Coordinator will inspect the site to confirm compliance with the post-construction stormwater management requirements.

Additional comments, questions and verifications:

1. **Section 3(b)(13)(A) (i) - page 17 of 45 –“Impaired Waters Site Clearance (Land Development or Redevelopment)”**.
The Department suggests providing an appendix with a list of the impaired waterbody segments that apply to these impairments (consistent with the Industrial GP).
2. **Section 4(h) - page 26 of 45 – “Additional Notification”**. In the first paragraph, the Department does not intend to send the municipality a copy of registration with all attachments for every discharge into a town MS4 unless the municipality requests such documentation. The Department suggests adding language “upon request”, mirroring language in the paragraph below which is for discharges into DOT MS4.
3. **Section 5(b)(2)(A)(i) - page 31 of 45 – “Soil Stabilization”**. The second paragraph is conflicting as it says “as specified in Chapter 5 of the Guidelines” ...inactive for 14 days whereas the guidelines state 30 days. The Department suggest changing back to 30 days to coincide with the guidelines.
4. **Section 4(c)(3) – page 21 of 45 “Re-registration”**. Could DEEP provide anticipated effective date? The Department has over 100 active applications that will need to be re-registered; therefore, early notification will be helpful in meeting the 120 day timeframe without creating bulk submittals to the ezfile system.
5. **Section 5(b)(2)(A)(ii) - page 32 of 45 “Structural measures”**. In the second paragraph, the Department has had numerous questions regarding this language. The Department suggests replacing “For points of discharge from disturbed sites with total contributing

drainage area of between two and five acres” with “ required where two to five acres of disturbed soil drain to a common location” (same for greater than five acre language).

In the third paragraph, what is meant by ”Any such exception”? Suggest clarification or example of such “exception”.

6. Will proposed modifications to the general permit require modifications to the SWPCP Review Checklist (DEEP-WPED-LIST_015 Rev. 8/21/13)?
7. Will DEEP provide a form or example of the “Plan Implementation Checklist” as referenced in Section 5(b)(1)(B)(vi) and add as an attachment?

In addition, the Department suggests the following minor corrections:

8. **Section 2 - page 4 of 45 - Definition of “x-year, 24-hour rainfall event”**. NOAA site is using version 3. Suggest adding “as revised” to capture all revision by NOAA.
9. **Section 2 - page 5 of 45 - Definition of “Grab Sample”**. No longer applicable with NETDMR monitoring removed. Suggest deleting from the definitions.
10. **Section 3(f) – page 18 of 45 – “Effective Date”**. Change date to 2020.
11. **Section 4(c)(3) – page 21 of 45 –** Change reference to 4(d)(1)(A)(iii).

Thank you very much for taking the Department’s comments and suggestions on the proposed modifications into consideration. The Department looks forward to working with you to address these comments and proposed modifications prior to issuing a final version. If you have any questions on the comments, please feel free to contact the undersigned at (860) 594-3404 or adam.fox@ct.gov.

Very truly yours,


Adam Fox
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