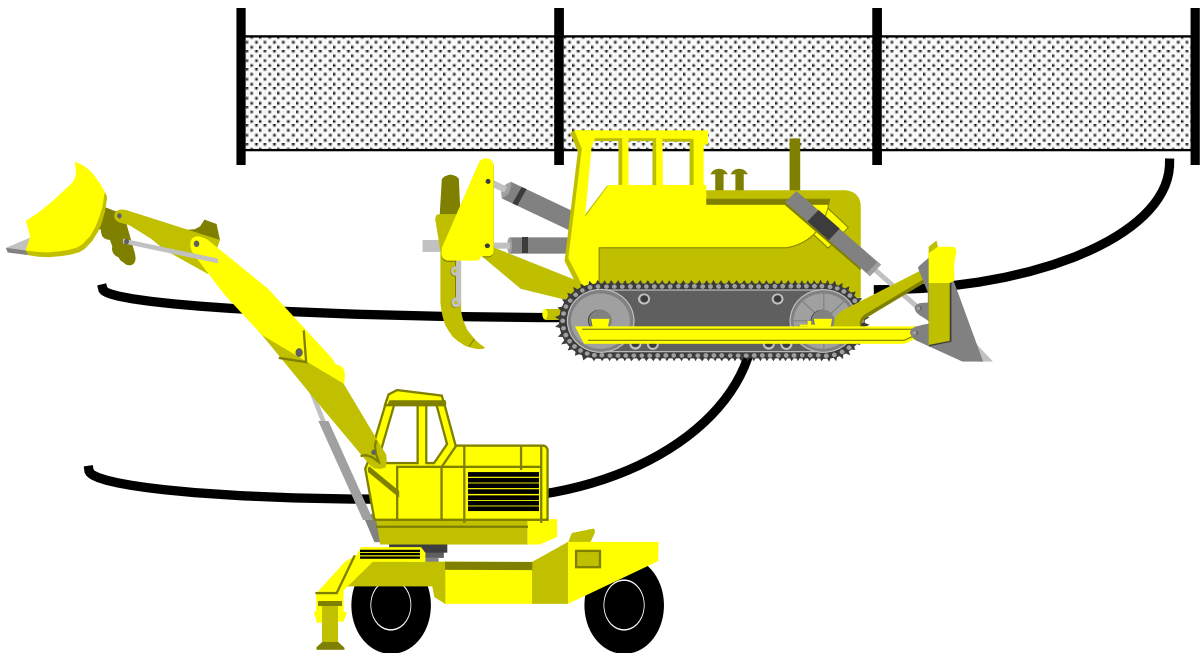


General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities



Effective Date: December 31, 2020

Printed on recycled paper

General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities

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General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities

Section 1. Authority

This general permit is issued under the authority of section 22a-430b of the Connecticut General Statutes.

Section 2. Definitions

The definitions of terms used in this general permit shall be the same as the definitions contained in section 22a-423 of the Connecticut General Statutes and section 22a-430-3(a) of the Regulations of Connecticut State Agencies. All references to an Appendix in this general permit means the applicable Appendix of this general permit. As used in this general permit, the following definitions shall apply:

“x-year, 24-hour rainfall event” means the maximum 24-hour precipitation event with a probable recurrence interval of once in the given number of years (i.e. x=2, 25 or 100), as defined by the National Oceanic and Atmospheric Administration (NOAA) Atlas 14, Volume 10, Version 2, Point Precipitation Frequency Estimates (as amended), or equivalent regional or state rainfall probability information developed therefrom.

“Annual sediment load” means the total amount of sediment carried by stormwater runoff on an annualized basis.

“Aquifer protection area” has the same meaning as provided in section 22a-354h of the Connecticut General Statutes.

“Best engineering practices” means the design of engineered control measures to control pollution to the maximum extent achievable using measures that are technologically available and economically practicable.

“CFR” means the Code of Federal Regulations.

“Coastal area” means coastal area as defined in section 22a-93(3) of the Connecticut General Statutes.

“Coastal waters” means coastal waters as defined in section 22a-93(5) of the Connecticut General Statutes.

“Commissioner” means the Commissioner of Energy and Environmental Protection or the Commissioner’s designee.

“Construction activity” means any activity and discharges associated with construction at a site or the site’s preparation for construction, including, but not limited to, clearing, grubbing, pile driving, soil disturbance, soil compaction by construction equipment, staging and stockpiling, cleaning and washout, grading, excavation, and dewatering.

“DOT” means the State of Connecticut Department of Transportation.

“Department” means the Department of Energy and Environmental Protection.

“Designing qualified professional” means the qualified professional engineer or qualified soil erosion and sediment control professional, as defined below, who developed the original Stormwater Pollution Control Plan for which authorization was granted under this general permit.

“*Developer*” means a person who or municipality which is responsible, either solely or partially through contract, for the design and construction of a project site.

“*Dewatering wastewater*” means wastewater associated with the construction activity generated from the lowering of the groundwater table, the pumping of accumulated stormwater or uncontaminated groundwater from an excavation, the pumping of surface water from a cofferdam, or pumping of other surface water that has been diverted into a construction site.

“*District*” means a soil and water conservation district established pursuant to section 22a-315 of the Connecticut General Statutes. Appendices E and F list the Districts, their geographic delineations, and contact information.

“*Disturbance*” means the area on a site where soil will be exposed or susceptible to erosion during any construction activity.

“*Effective Impervious Cover*” is the area of impervious cover that is hydraulically connected to a water or wetland by means of continuous paved surfaces, gutters, swales, ditches, drain pipes or other conventional conveyance and detention structures that do not reduce runoff volume. Impervious cover is a surface composed of any material that impedes or prevents infiltration of water into the soil. Impervious surfaces shall include, but are not limited to, roofs, solid decks, driveways, patios, sidewalks, parking areas, tennis courts, concrete or asphalt streets, or compacted soils or compacted gravel surfaces.

“*Engineered stormwater management system*” means any control measure and related appurtenances which requires engineering analysis and/or design by a professional engineer.

“*Erosion*” means the detachment and movement of soil or rock fragments by water, wind, ice and gravity.

“*Final stabilization*” for a site authorized by this general permit means that no disturbed areas remain exposed, there is no active erosion or sedimentation present on the site, and that vegetation or permanent non-vegetative ground cover, as specified in the Permittee’s Plan, have been fully established over the entire site.

“*Fresh-tidal wetland*” means a tidal wetland with an average salinity level of less than 0.5 parts per thousand.

“*General Permit*” means the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities issued by the Commissioner effective on December 31, 2020.

“*Groundwater*” means those waters of the state that naturally exist or flow below the surface of the ground.

“*Guidelines*” means the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, established pursuant to section 22a-328 of the Connecticut General Statutes.

“*High Quality Waters*” means those waters defined as high quality waters in RCSA 22a-426-1, as may be amended.

“*Impaired water(s)*” means those surface waters of the state designated by the commissioner as impaired pursuant to Section 303(d) of the Clean Water Act and as identified in the most recent State of Connecticut Integrated Water Quality Report.

“*In Responsible charge*” means professional experience for which the Commissioner determines that a professional’s primary duties consistently involve a high level of responsibility and decision making in the planning and designing of engineered stormwater management systems or in the planning and designing of soil erosion and sediment controls for residential and commercial construction projects. The Commissioner

shall consider the following in determining whether a professional's experience qualifies as responsible charge experience:

- (i) the level of independent decision-making exercised;
- (ii) the number of individuals and the disciplines of the other professionals that the professional supervised or coordinated;
- (iii) the extent to which a professional's responsibilities consistently involved the review of work performed by other professionals involved the planning and designing of engineered stormwater management systems or the planning and designing of soil erosion and sediment controls for residential and commercial construction projects;
- (iv) the extent to which a professional's responsibilities consistently involved the planning and designing of engineered stormwater management systems or the planning and designing of soil erosion and sediment controls for residential and commercial construction projects and whether such responsibilities were an integral and substantial component of the professional's position;
- (v) the nature of a professional's employer's primary business interests and the relation of those interests to planning and designing of engineered stormwater management systems or to planning and designing of soil erosion and sediment controls for residential and commercial construction projects;
- (vi) the extent to which a professional has engaged in the evaluation and selection of scientific or technical methodologies for planning and designing of engineered stormwater management systems or for planning and designing of soil erosion and sediment controls for residential and commercial construction projects;
- (vii) the extent to which a professional drew technical conclusions, made recommendations, and issued opinions based on the results of planning and designing of engineered stormwater management systems or of planning and designing of soil erosion and sediment controls for residential and commercial construction projects; or
- (viii) any other factor that the Commissioner deems relevant.

"Individual permit" means a permit issued to a specific permittee under section 22a-430 of the Connecticut General Statutes.

"Inland wetland" means wetlands as defined in section 22a-38 of the Connecticut General Statutes.

"Landscape Architect" means a person with a currently effective license issued in accordance with chapter 396 of the Connecticut General Statutes.

"Linear Project" includes the construction of roads, railways, bridges, bikeways, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

"Locally approvable project" means a construction activity for which the registration is not for a municipal, state or federal project and is required to obtain municipal approval for the project.

"Locally exempt project" means a construction activity for which a registration is required under this general permit and which is not a locally approvable project.

“Low Impact Development” or *“LID”* means a site design strategy that maintains, mimics or replicates pre-development hydrology through the use of numerous site design principles and small-scale treatment practices distributed throughout a site to manage runoff volume and water quality at the source.

“Minimize”, for purposes of implementing the control measures in Section 5(b)(2) of this general permit, means to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice.

“Municipal separate storm sewer system” or *“MS4”* means conveyances for stormwater (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) owned or operated by any municipality, DOT or by any other state or federal institution (as defined in the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems) and discharging to surface waters of the state.

“Municipality” has the same meaning as provided in section 22a-423 of the Connecticut General Statutes.

“Normal Working Hours” are considered to be, at a minimum, Monday through Friday, between the hours of 8:00 am and 6:00 pm, unless additional working hours are specified by the permittee.

“Permittee” means any person who or municipality which initiates, creates or maintains a discharge in accordance with Section 3 of this general permit.

“Person” means person as defined in section 22a-423 of the Connecticut General Statutes.

“Phase” means a portion of a project possessing a distinct and complete set of activities that have a specific functional goal wherein the work to be completed in the phase is not dependent upon the execution of work in a later phase in order to make it functional.

“Point Source” means any discernible, confined and discrete stormwater conveyance (including but not limited to, any pipe, ditch, channel, tunnel, conduit, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft) from which pollutants are or may be discharged.

“Professional Engineer” or *“P.E.”* means a person with a currently effective license issued in accordance with chapter 391 of the Connecticut General Statutes.

“Qualified Inspector” means an individual possessing either (1) a professional license or certification by a professional organization recognized by the commissioner related to agronomy, civil engineering, landscape architecture, soil science, and two years of demonstrable and focused experience in erosion and sediment control plan reading, installation, inspection and/or report writing for residential and commercial construction projects in accordance with the Guidelines; or (2) five years of demonstrable and focused experience in erosion and sediment control plan reading, installation, inspection and/or report writing for residential and commercial construction projects in accordance with the Guidelines; or (3) certification by the DOT. For purposes of solar array projects, a Qualified Inspector shall be selected as specified in Appendix I of the general permit.

“Qualified professional engineer” means a professional engineer who has, for a minimum of eight years, engaged in the planning and designing of engineered stormwater management systems for residential and commercial construction projects in accordance with the Guidelines and the Stormwater Quality Manual including, but not limited to, a minimum of four years in responsible charge of the planning and designing of engineered stormwater management systems for such projects. Such qualified professional engineer shall remain in good standing with the Connecticut Department of Consumer Protection and the Commissioner.

“Qualified soil erosion and sediment control professional” means a landscape architect or a professional engineer who: (1) has for a minimum of eight years engaged in the planning and designing of soil erosion and sediment controls for residential and commercial construction projects in accordance with the Guidelines including, but not limited to, a minimum of four years in responsible charge of the planning and designing of soil erosion and sediment controls for such projects; or (2) is currently certified as a professional in erosion and sediment control as designated by EnviroCert International, Incorporated (or other certifying organization acceptable to the commissioner) and has, for a minimum of six years, engaged in the planning and designing of soil erosion and sediment controls for residential and commercial construction projects in accordance with the Guidelines including, but not limited to, a minimum of four years in responsible charge in the planning and designing of soil erosion and sediment controls for such projects. Such qualified soil erosion and sediment control professional shall remain in good standing with the Connecticut Department of Consumer Protection and the Commissioner.

“Registrant” means a person or municipality that files a registration.

“Registration” means a registration filed with the commissioner pursuant to Section 4 of this general permit.

“Regulated Municipal Separate Storm Sewer System” or *“Regulated MS4”* means any MS4 (as defined above) authorized by the most recently issued General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems, as well as the separate storm sewer system of the DOT and the City of Stamford including all those located partially or entirely within an Urbanized Area and those additional MS4s located outside an Urbanized Area as may be designated by the commissioner.

“Retain” means to hold runoff on-site to promote vegetative uptake and groundwater recharge through the use of runoff reduction or LID practices or other measures. In addition, it means there shall be no subsequent point source release to surface waters from a storm event defined in this general permit or as approved by the commissioner.

“Runoff reduction practices” means those post-construction stormwater management practices used to reduce post-development runoff volume delivered to the receiving water, as defined by retaining the volume of runoff from a storm up to the first half inch or one inch of rainfall. Runoff reduction is quantified as the total annual post-development runoff volume reduced through canopy interception, soil amendments, evaporation, rainfall harvesting, engineered infiltration, extended filtration or evapo-transpiration.

“Sediment” means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

“Site” means geographically contiguous land on which a construction activity takes place or on which a construction activity for which authorization is sought under this general permit is proposed to take place. Non-contiguous land or water owned by the same person shall be deemed the same site if such land is part of a linear project (as defined in this section) or is otherwise connected by a right-of-way, which such person controls.

“Soil” means any unconsolidated mineral and organic material of any origin.

“Soil Scientist” shall be as defined in Conn. Gen. Stat. § 22a-38.

“Solar array” means an on-the-ground installation of arrays of photovoltaic cell panels, supporting structures and related equipment for the production of electricity.

“Stabilize” means the use of measures as outlined in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, or as approved by the commissioner, to prevent the visible movement of soil particles and development of rills.

“*Standard of care*”, as used in Section 3(b), means to endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.

“*Structural measure*” means a measure constructed for the temporary storage and/or treatment of stormwater runoff.

“*Stormwater*” means waters consisting of rainfall runoff, including snow or ice melt during a rain event.

“*Stormwater Pollution Control Plan*”, “*SWPCC*”, or “*Plan*” means the stormwater pollution control plan required under Section 5(b) of the general permit and approved by Commissioner as part of the approval of a registration.

“*Stormwater Quality Manual*” means the 2004 Connecticut Stormwater Quality Manual published by the Connecticut Department of Energy & Environmental Protection, as amended.

“*Surface water*” means that portion of waters, as the term “waters” is defined in section 22a-423 of the Connecticut General Statutes, located above the ground surface.

“*Tidal wetland*” means a wetland as that term is defined in section 22a-29(2) of the Connecticut General Statutes.

“*Total disturbance*” means the total area of disturbance on a site during all phases of construction activity.

“*Total Maximum Daily Load*” or “*TMDL*” means the maximum capacity of a surface water to assimilate a pollutant as established by the commissioner, including pollutants contributed by point and non-point sources and a margin of safety.

“*Upland soils*” means soils which are not designated as poorly drained, very poorly drained, alluvial, or flood plain by the National Cooperative Soils Survey, as may be amended, of the Natural Resources Conservation Service of the United States Department of Agriculture and/or the inland wetlands agency of the municipality in which the project will take place.

“*Water company*” means water company as defined in section 25-32a of the Connecticut General Statutes.

“*Waters*” shall be as defined in Conn. Gen. Stat. § 22a-423, and for clarification shall include vernal pools and intermittent waters.

“*Water Quality Standards*” means the water quality standards in RCSA 22a-426-1 et seq, and the classification maps adopted pursuant to section 22a-426 of the Connecticut General Statutes, as both may be amended.

“*Water Quality Volume*” or “*WQV*” means the volume of runoff generated by one inch of rainfall on a site as defined in the 2004 Connecticut Stormwater Quality Manual, as amended.

“*Wetland*” shall mean and include both “wetland” as defined in Conn. Gen. Stat. § 22a-29 and “wetlands” as defined in Conn. Gen. Stat. § 22a-38.

Section 3. Authorization Under This General Permit

(a) *Eligible Activities*

This general permit authorizes construction activities and associated stormwater and dewatering wastewater discharges on a site, as defined in this general permit, with a total disturbance of one or more acres of land area on a site, *regardless of project phasing*.

In the case of a larger plan of development (such as a subdivision), the estimate of total acres of site disturbance shall include, but is not limited to, road and utility construction, individual lot construction (e.g. house, driveway, septic system, etc.), and all other construction associated with the overall plan, regardless of the individual parties responsible for construction of these various elements.

(b) *Requirements for Authorization*

This general permit authorizes the construction activity and associated discharges listed in the “Eligible Activities” section (Section 3(a)) of this general permit provided:

(1) Coastal Management Act

Such construction activity must be consistent with all applicable goals and policies in section 22a-92 of the Connecticut General Statutes, and must not cause adverse impacts to coastal resources as defined in section 22a-93(15) of the Connecticut General Statutes. Please refer to the Appendix D for additional guidance.

(2) Endangered and Threatened Species

Such activity must not threaten the continued existence of any species listed pursuant to section 26-306 of the Connecticut General Statutes as endangered or threatened and must not result in the destruction or adverse modification of habitat designated as essential to such species. See Appendix A for conditions and requirements for compliance.

(3) Aquifer Protection Areas

Such construction activity, if it is located within an aquifer protection area as mapped under section 22a-354b of the General Statutes, must comply with regulations adopted pursuant to section 22a-354i of the General Statutes. Please refer to the Appendix C for additional guidance.

For any construction activity regulated pursuant to sections 22a-354i-8(c) and 9(b) of the Regulations of Connecticut State Agencies (Aquifer Protection Regulations), the Stormwater Pollution Control Plan (Plan) must assure that stormwater run-off generated from the regulated construction activity (i) is managed in a manner so as to prevent pollution of groundwater, and (ii) complies with all the requirements of this general permit.

(4) Mining Operations Exception

The stormwater discharge resulting from an activity classified by the Standard Industrial Classification 10 and 12 through 14 (the mining industry) is not eligible to be authorized by this general permit and is regulated under the most recently issued General Permit for the Discharge of Stormwater Associated with Industrial Activity.

(5) Discharge to POTW

The stormwater is *not* discharged to a Publicly Owned Treatment Works (POTW).

(6) Discharge to Groundwater

The stormwater is *not* discharged entirely to groundwater under all conditions before, during or after construction.

(7) Such construction activity must be consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) for those river components and tributaries which have been designated as Wild and Scenic by the United States Congress. Further, such construction activities must not have a direct and adverse effect on the values for which such river designation was established. Please refer to Appendix H for additional guidance.

(8) Certification Requirements for Registrants and other Individuals

As part of the registration for this general permit, the registrant and any other individual or individuals responsible for preparing the registration submits to the commissioner a written certification which, at a minimum, complies with the following requirements:

(A) The registrant and any other individual or individuals responsible for preparing the registration and signing the certification has completely and thoroughly reviewed, at a minimum, this general permit and the following regarding the activities to be authorized under such general permit:

- (i) all registration information provided in accordance with Section 4(c)(2) of such general permit;
- (ii) the project site, based on a site inspection;
- (iii) the Stormwater Pollution Control Plan; and
- (iv) any plans and specifications and any Department approvals regarding such Stormwater Pollution Control Plan;

(B) The registrant and any other individual or individuals responsible for preparing the registration and signing the certification pursuant to this general permit has, based on the review described in section 3(b)(8)(A) of this general permit, made an affirmative determination to:

- (i) comply with the terms and conditions of this general permit;
- (ii) maintain compliance with all plans and documents prepared pursuant to this general permit including, but not limited to, the Stormwater Pollution Control Plan;
- (iii) properly implement and maintain the elements of the Stormwater Pollution Control Plan; and
- (iv) properly operate and maintain all stormwater management systems in compliance with the terms and conditions of this general permit to protect the waters of the state from pollution;

(C) Such registrant and any other individual or individuals responsible for preparing the registration certifies to the following statement: "I hereby certify that I am making this certification in connection with a registration under such general permit, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT

ADDRESS OF PROJECT OR ACTIVITY] and that all terms and conditions of the general permit are being met for all discharges which have been initiated and such activity is eligible for authorization under such permit. I further certify that a system is in place to ensure that all terms and conditions of this general permit will continue to be met for all discharges authorized by this general permit at the site. I certify that the registration filed pursuant to this general permit is on complete and accurate forms as prescribed by the commissioner without alteration of their text. I certify that I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section 3(b)(8)(A) of such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I certify that I have made an affirmative determination in accordance with Section 3(b)(8)(B) of this general permit. I understand that the registration filed in connection with such general permit is submitted in accordance with and shall comply with the requirements of Section 22a-430b of Connecticut General Statutes. I also understand that knowingly making any false statement made in the submitted information and in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the Connecticut General Statutes and any other applicable law."

- (9) The registrant has submitted to the commissioner a written certification by a professional engineer or, where appropriate, a landscape architect licensed in the State of Connecticut for the preparation, planning and design of the Stormwater Pollution Control Plan ("Plan" or "SWPCP") and stormwater management systems:

The professional engineer or landscape architect shall certify to the following statement:

"I hereby certify that I am a [professional engineer][landscape architect] licensed in the State of Connecticut. I am making this certification in connection with a registration under such general permit, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY]. I certify that I have thoroughly and completely reviewed the Stormwater Pollution Control Plan for the project or activity covered by this certification. I further certify, based on such review and on the standard of care for such projects, that the Stormwater Pollution Control Plan has been prepared in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, the Stormwater Quality Manual, as amended, and the conditions of the general permit, and that the controls required for such Plan are appropriate for the site. I further certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I also understand that knowingly making any false statement in this certification may subject me to sanction by the Department and/or be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the Connecticut General Statutes and any other applicable law."

- (10) Plan Review and Certification by a District for Locally Approvable Projects

For locally approvable Plans not reviewed in accordance with Section 3(b)(11), below, the registrant has submitted to the commissioner a written certification by the appropriate regional District for the review of the Stormwater Pollution Control Plan pursuant to Appendix E, which, at a minimum, complies with the following requirements:

- (A) the Plan Review Certification must be signed by the District. Information on the District review process is outlined in the Memorandum of Agreement provided in Appendix E. In cases where the District is unable to complete review of the Plan within the time limits

specified in the Memorandum of Agreement in Appendix E, a notice to that effect signed by the District may be submitted in lieu of the certification.

- (B) the Stormwater Pollution Control Plan has been prepared in accordance with the requirements of Section 5(b) of the general permit.

(11) Plan Review and Certification by a Qualified Soil Erosion and Sediment Control Professional and Qualified Professional Engineer for Locally Approvable Projects

For those Plans not reviewed in accordance with Section 3(b)(10), above, the registrant has submitted to the commissioner a written certification by a qualified professional engineer or a qualified soil erosion and sediment control professional in accordance with the following requirements:

- (A) for projects disturbing more than one acre and less than fifteen (15) acres, such qualified soil erosion and sediment control professional or qualified professional engineer:
 - (i) is not an employee, as defined by the Internal Revenue Service in the Internal Revenue Code of 1986, of the registrant; and
 - (ii) has no ownership interest of any kind in the project for which the registration is being submitted.
- (B) for projects disturbing fifteen (15) acres or more, such qualified soil erosion and sediment control professional or qualified professional engineer:
 - (i) is not an employee, as defined by the Internal Revenue Service in the Internal Revenue Code of 1986, of the registrant;
 - (ii) did not engage in any activities associated with the preparation, planning, designing or engineering of such plan for soil erosion and sediment control or plan for stormwater management systems on behalf of such registrant;
 - (iii) is not under the same employ as any person who engaged in any activities associated with the preparation, planning, designing or engineering of such plans and specifications for soil erosion and sediment control or plans and specifications for stormwater management systems on behalf of such registrant; and
 - (iv) has no ownership interest of any kind in the project for which the registration is being submitted.
- (C) The qualified professional engineer or qualified soil erosion and sediment control professional signing the certification has, at a minimum, completely and thoroughly reviewed this general permit and the following regarding the discharges to be authorized under such general permit:
 - (i) all registration information provided in accordance with Section 4(c)(1) of such general permit;
 - (ii) the site, based on a site inspection;
 - (iii) the Stormwater Pollution Control Plan;
 - (iv) the Guidelines;

- (v) the Stormwater Quality Manual, if applicable; and
- (vi) all non-engineered and engineered stormwater management systems, including any plans and specifications and any Department approvals regarding such stormwater management systems.

(D) Affirmative Determination

- (i) The qualified soil erosion and sediment control professional signing the certification must have made an affirmative determination, based on the review described in section 3(b)(11)(C) of this general permit that:
 - (a) the Stormwater Pollution Control Plan prepared and certified pursuant to the registration is adequate to assure that the project or activity authorized under this general permit, if implemented in accordance with the Stormwater Pollution Control Plan, will comply with the terms and conditions of such general permit; and
 - (b) all non-engineered stormwater management systems:
 - (1) have been designed to control pollution to the maximum extent achievable using measures that are technologically available and economically practicable and that conform to those in the Guidelines and the Stormwater Quality Manual;
 - (2) will function properly as designed;
 - (3) are adequate to ensure compliance with the terms and conditions of this general permit; and
 - (4) will protect the waters of the state from pollution.
- (ii) The qualified professional engineer signing the certification must have made an affirmative determination, based on the review described in section 3(b)(11)(C) of this general permit that:
 - (a) the Stormwater Pollution Control Plan prepared and certified pursuant to the registration is adequate to assure that the activity authorized under this general permit, if implemented in accordance with the Stormwater Pollution Control Plan, will comply with the terms and conditions of such general permit; and
 - (b) all non-engineered and engineered stormwater management systems:
 - (1) have been designed to control pollution to the maximum extent achievable using measures that are technologically available and economically practicable and that conform to those in the Guidelines and the Stormwater Quality Manual;
 - (2) will function properly as designed;
 - (3) are adequate to ensure compliance with the terms and conditions of this general permit; and

(4) will protect the waters of the state from pollution.

(E) The qualified professional engineer or qualified soil erosion and sediment control professional shall, provided it is true and accurate, certify to the following statement:

"I hereby certify that I am a qualified professional engineer or qualified soil erosion and sediment control professional, or both, as defined in the General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities and as further specified in sections 3(b)(11)(A) and (B) of such general permit. I am making this certification in connection with a registration under such general permit, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY]. I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section 3(b)(11)(C) of such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I further certify that I have made the affirmative determination in accordance with Sections 3(b)(11)(D)(i) and (ii) of this general permit. I understand that this certification is part of a registration submitted in accordance with Section 22a-430b of Connecticut General Statutes and is subject to the requirements and responsibilities for a qualified professional in such statute. I also understand that knowingly making any false statement in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the Connecticut General Statutes and any other applicable law."

(12) Plan Review and Certification for Projects Conducted by State Agencies

For projects conducted by a state agency (e.g. DOT, DAS, etc.), the registering agency has submitted to the commissioner a written certification by a qualified professional engineer or a qualified soil erosion and sediment control professional in accordance with the following requirements:

- (A) the registering agency or another state agency has developed a process to establish a list of qualified professional engineers and qualified soil erosion and sediment control professionals for which the process to qualify has been approved in writing by the commissioner;
- (B) the qualified professional engineer or qualified soil erosion and sediment control professional reviewing and certifying the Plan is included on the list prepared by a state agency and for which the process to establish the list has been approved by the commissioner pursuant to Section 3(b)(12)(A), above;
- (C) the qualified professional engineer or qualified soil erosion and sediment control professional signing the certification has, at a minimum, completely and thoroughly reviewed this general permit and the following regarding the discharges to be authorized under such general permit:
 - (i) all registration information provided in accordance with Section 4(c)(2) of such general permit;
 - (ii) the site, based on a site inspection;
 - (iii) the Stormwater Pollution Control Plan;

- (iv) the Guidelines;
- (v) the Stormwater Quality Manual, if applicable; and
- (vi) all non-engineered and engineered stormwater management systems, including any plans and specifications and any Department approvals regarding such stormwater management systems.

(D) Affirmative Determination

- (i) The qualified soil erosion and sediment control professional signing the certification must have made an affirmative determination, based on the review described in section 3(b)(12)(C) of this general permit that:
 - (a) the Stormwater Pollution Control Plan prepared and certified pursuant to the registration is adequate to assure that the project or activity authorized under this general permit, if implemented in accordance with the Stormwater Pollution Control Plan, will comply with the terms and conditions of such general permit; and
 - (b) all non-engineered stormwater management systems:
 - (1) have been designed to control pollution to the maximum extent achievable using measures that are technologically available and economically practicable and that conform to those in the Guidelines and the Stormwater Quality Manual;
 - (2) will function properly as designed;
 - (3) are adequate to ensure compliance with the terms and conditions of this general permit; and
 - (4) will protect the waters of the state from pollution.
- (ii) The qualified professional engineer signing the certification must have made an affirmative determination, based on the review described in section 3(b)(12)(C) of this general permit that:
 - (a) the Stormwater Pollution Control Plan prepared and certified pursuant to the registration is adequate to assure that the activity authorized under this general permit, if implemented in accordance with the Stormwater Pollution Control Plan, will comply with the terms and conditions of such general permit; and
 - (b) all non-engineered and engineered stormwater management systems:
 - (1) have been designed to control pollution to the maximum extent achievable using measures that are technologically available and economically practicable and that conform to those in the Guidelines and the Stormwater Quality Manual;
 - (2) will function properly as designed;
 - (3) are adequate to ensure compliance with the terms and conditions of this general permit; and

(4) will protect the waters of the state from pollution.

- (E) The qualified professional engineer or qualified soil erosion and sediment control professional shall, provided it is true and accurate, certify to the following statement:

"I hereby certify that I am a qualified professional engineer or qualified soil erosion and sediment control professional, or both, as defined in the General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities and as further specified in sections 3(b)(12)(A) and (B) of such general permit. I am making this certification in connection with a registration under such general permit, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY]. I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section 3(b)(12)(C) of such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I further certify that I have made the affirmative determination in accordance with Sections 3(b)(12)(D)(i) and (ii) of this general permit. I understand that this certification is part of a registration submitted in accordance with Section 22a-430b of Connecticut General Statutes and is subject to the requirements and responsibilities for a qualified professional in such statute. I also understand that knowingly making any false statement in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the Connecticut General Statutes and any other applicable law."

- (F) Projects conducted by a state agency under this subparagraph (Section 3(b)(12)) shall be submitted in accordance with the requirements in Sections 3(c), 3(g)(1)(B) and 4(c)(2)(A)(i).

(13) New Discharges to Impaired Waters

- (A) For impaired waters identified in the State's most recent Integrated Water Quality Report, new stormwater discharges proposed in a registration submitted under this general permit that will discharge directly to such waters must comply with the requirements of (13)(B), below, if such report indicates the cause or potential cause of the impairment as one of the following:
- (i) Site Clearance (Land Development or Redevelopment)
 - (ii) Post-Development Erosion and Sedimentation
 - (iii) Source Unknown (if cause of impairment is Sedimentation/Siltation)
- (B) Such stormwater discharge is authorized if the permittee complies with the requirements of Section 5(b)(3) of this permit and receives a written affirmative determination from the commissioner that the discharge meets the requirements of that section. In such case, the permittee must keep a copy of the written determination onsite with the Plan. If the permittee does not receive such affirmative determination, the construction activity is not authorized by this general permit and must obtain an individual permit.

(14) Solar Arrays

For constructions activities associated with the development of a solar array that is locally exempt, as those respective terms are defined in Section 2, in addition to the other requirements of this general permit a Permittee shall also comply with the requirements in Appendix I.

(15) Cold Water Stream Habitat

A Permittee shall maintain a one-hundred (100) foot undisturbed buffer between any construction activity and any stream, river, or tributary that is included within a Cold Water Stream Habitat as defined at: <https://portal.ct.gov/DEEP/Water/Inland-Water-Monitoring/Cold-Water-Stream-Habitat-Map>. The buffer shall consist of undisturbed soil and well-established existing vegetation.

(16) Other Requirements for Authorization

The following requirements for authorization shall apply to all projects:

(A) Prior to commencement of any construction activity, the Permittee shall conduct a preconstruction meeting with the qualified professional who designed the project, the qualified inspector who will be conducting inspections, and all site contractors and subcontractors to be involved in construction. Such meeting shall convey the design, stormwater control measures, erosion and sediment controls, plan implementation and routine site inspections, and contract requirements for the project prior to earth disturbance. Such meeting shall also include a site walk of the project site. In the case of solar arrays and any other projects that may be reviewed and/or inspected by a District, the preconstruction meeting and site walk shall also include the appropriate District personnel. The Permittee shall ensure that the date of such meeting and a report summarizing the meeting shall be prepared and retained in the Permittee's Plan.

(B) The following contractor certification shall be signed by all contractors and subcontractors that will perform construction activities on the site that have the potential to cause pollution of the waters of the State:

"I certify under penalty of the law that I have read and understand the terms and conditions of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. I understand that as a contractor or subcontractor at the site, I am authorized by this general permit, and must comply with the terms and conditions of this general permit, including, but not limited to, the requirements of the Stormwater Pollution Control Plan prepared for the site."

Such signed certifications shall be maintained with the Plan on-site at all times.

(C) The designing qualified professional 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. In the case of solar arrays and any other projects that may be reviewed and/or inspected by a District, the Plan Implementation Inspection(s) shall also include the appropriate District personnel.

(D) For locally approvable projects, the permittee shall indicate whether any financial assurance was required by the town in which the project is being conducted and, if so, indicate what type of assurance was required and in what amount.

(E) Nothing in this subsection or permit shall be construed to authorize District personnel, a qualified soil erosion and sediment control professional or a qualified professional engineer to engage in any profession or occupation requiring a license under any other provision of the general statutes without such license.

(F) Failure to comply with any provisions of Section 3(b)(16) is a violation of this general permit and shall be grounds for the commissioner to revoke authorization.

(G) **Specific Provisions Applicable to Projects Conducted by State Agencies**

(i) Permittee shall conduct a preconstruction meeting with the contractor that conveys the design, stormwater control measures, plan implementation and routine site inspections, erosion and sediment controls, and contract requirements for the project prior to earth disturbance. Such meeting shall include a site walk of the project site.

(ii) The DOT District Engineer, District Environmental Coordinator, or the designated employee of another state agency shall conduct the Plan Implementation Inspection(s) pursuant to Section 5(b)(4)(A) of the general permit 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 evidence of financial assurance.

(c) **Registration**

Pursuant to the “Registration Requirements” section (Section 4) of this general permit, a completed registration with respect to the construction activity shall be filed with the commissioner.

(d) **Small Construction**

For construction projects with a total disturbance of between one and five acres, the permittee shall adhere to the erosion and sediment control land use regulations of the municipality in which the construction activity is conducted, as well as the Guidelines and the Stormwater Quality Manual.

No registration or Plan review and certification shall be required for such construction activity provided a land-use commission of the municipality (i.e. planning/zoning, wetland, conservation, etc) reviews and issues a written approval of the proposed erosion and sediment control measures, pursuant to the requirements of section 22a-329 of the Connecticut General Statutes. In the absence of a municipal commission to review and approve such activity, the permittee shall register with the DEEP under the requirements for a Locally Exempt Project and comply with all applicable conditions of this general permit.

(e) **Geographic Area**

This general permit applies throughout the State of Connecticut.

(f) **Effective Date and Expiration Date of this General Permit**

This General Permit shall be effective at 12:00 a.m. on December 31, 2020. The provisions of this General Permit shall expire as of 11:59 p.m. on December 30, 2025.

(g) *Effective Date of Authorization*

A construction activity is not authorized by this general permit unless a registration has been approved by the Commissioner and the following conditions have been met:

(1) General Timelines

- (A) for locally approvable projects, sixty (60) days have elapsed after the submission of a complete and sufficient registration form required by Section 4(c) of the general permit, or
- (B) for locally exempt projects with a total disturbed area of under fifteen (15) acres, sixty (60) days have elapsed after the submission of a complete and sufficient registration form required by Section 4(c), or
- (C) for locally exempt projects with a total disturbed area equal to or more than fifteen (15) acres, ninety (90) days have elapsed after the submission of a complete and sufficient registration form required by Section 4(c) of the general permit.

(2) Exceptions to Authorization Timelines

If one of the following conditions applies, that condition shall supersede those of subsection (1), above:

- (A) for sites for which the registration and Plan availability and review provisions of Section 4(e) of the general permit are completed prior to the elapse of the authorization periods in subdivision (1), above, the commissioner may authorize the activity upon such completion, or
- (B) for sites for which the conditions of Section 3(b)(2), 3(b)(13) or Section 5(a)(2) of the general permit apply, the activity is authorized only upon the date of the commissioner's affirmative determination and/or approval of a registration, or
- (C) for sites authorized by any previous version of this general permit and for which no Notice of Termination has been submitted pursuant to the "Termination Requirements" of that general permit, the activity is authorized effective December 31, 2020. Authorization under this general permit shall cease if a re-registration form is not submitted within one hundred twenty (120) days of the effective date of this general permit.

(h) *Revocation of an Individual Permit*

No person shall seek authorization under this general permit for a construction activity authorized by an individual permit. If a construction activity is eligible for authorization under this general permit and such activity is presently authorized by an individual permit, the existing individual permit may be revoked by the commissioner upon a written request by the permittee. If the commissioner revokes such individual permit in writing, such revocation shall take effect on the effective date of authorization of such activity under this general permit.

(i) *Issuance of an Individual Permit*

If the commissioner issues an individual permit under section 22a-430 of the Connecticut General Statutes, authorizing a construction activity authorized by this general permit, this general permit shall cease to authorize that activity beginning on the date such individual permit is issued.

Section 4. Registration Requirements

(a) *Who Must File a Registration*

With the exception noted in the “Small Construction” section (Section 3(d)) of this general permit, any person or municipality which initiates, creates, originates or maintains a discharge described in the “Eligible Activities” section (Section 3(a)) of this general permit shall file with the commissioner a registration form (or, for existing permittees, a re-registration form) that meets the requirements of the “Contents of Registration” section (Section 4(d)) of this general permit (or a re-registration form) and the applicable fee within the timeframes and in the amounts specified in Sections 4(c) and 4(d)(1)(A), respectively. Any such person or municipality filing a registration remains responsible for maintaining compliance with this general permit.

(b) *Scope of Registration*

Each registration shall be limited to the discharge at or from one site; no registration shall cover discharges at or from more than one site.

(c) *Registration Procedure*

(1) Locally Approvable Projects

The registration must:

- (A) Be electronically submitted, along with all required elements in subsections (B) through (E), below, at least sixty (60) days prior to the planned commencement of the construction activity. Failure to include any of these required submissions shall, among other potential reasons, be grounds to reject the registration.
- (B) Include the electronic Registration Form (available at www.ct.gov/deep/stormwater).
- (C) Include any additional forms and information that may be required pursuant to the “Requirements for Authorization” section (Section 3(b) of the general permit) regarding compliance and/or consistency with the Coastal Management Act, Impaired Waters (including TMDL requirements), Endangered and Threatened Species, and Aquifer Protection Areas.
- (D) Include an electronic copy of the Stormwater Pollution Control Plan. The electronic Plan shall be in Adobe™ PDF format or similar publicly available format in common use. **DO NOT INCLUDE** in this electronic copy any pages or other material that do not pertain to stormwater management or erosion and sediment control (such as electrical and lighting plans, boundary or lot surveys, building plans, non-stormwater related detail sheets, etc.).
- (E) Include a Plan Review Certification in accordance with the plan review certification requirements of either Section 5(b)(10) or 5(b)(11) of the general permit.

(2) Locally Exempt Projects

The registration must be electronically submitted, along with all required elements in subsections (B), (C) and (D) of this section. The sixty (60) or ninety (90) day periods cited in subparagraph (A) of this subdivision shall not begin until all required elements have been submitted. Failure to include any of these required submissions shall be grounds to reject the registration. A registration shall:

- (A) Be submitted at least:
 - (i) sixty (60) days prior to the planned commencement of the construction activity if the site has a total disturbance of between one (1) and fifteen (15) acres; *or*
 - (ii) ninety (90) days prior to the planned commencement of construction activity if the site:
 - (a) has a total disturbance greater than fifteen (15) acres;
 - (b) discharges to a tidal wetland (that is not a fresh-tidal wetland) within 500 feet of the discharge point; *or*
 - (c) is subject to the impaired waters provisions of Section 3(b)(13) of the general permit.
 - (B) Include the electronic Registration Form (available at www.ct.gov/deep/stormwater).
 - (C) Include any additional forms and information that may be required pursuant to Section 3(b) of the general permit, “Requirements of Authorization”, regarding compliance and/or consistency with the Coastal Management Act, Impaired Waters (including TMDL requirements), Endangered and Threatened Species, Solar Array provisions and Aquifer Protection.
 - (D) Include an electronic copy of the Stormwater Pollution Control Plan (Plan) (or a web address where the electronic Plan can be downloaded) for the commissioner’s review. The electronic Plan shall be in Adobe™ PDF format or similar publicly available format in common use. **DO NOT INCLUDE** in this electronic copy any pages or other material that do not pertain to stormwater management or erosion and sediment control (such as electrical and lighting plans, A-2 boundary or similar lot surveys, building plans, non-stormwater related detail sheets, etc.).
- (3) Re-Registration of Existing Projects
- (A) *Re-Registration.* In order for discharges to continue to be authorized, a Permittee with a registration previously approved by the Commissioner under any previous version of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities and for which no Notice of Termination has been submitted pursuant to the “Termination Requirements” of that general permit shall submit a re-registration. Any such registration shall:
 - (i) be submitted no later than one hundred twenty (120) days after the effective date of this general permit using an electronic Re-Registration Form (available at www.ct.gov/deep/stormwater) pursuant to Section 4(c)(3) of the general permit; and
 - (ii) be accompanied by the fee set forth in Section 4(d)(1)(A)(iii) of the general permit unless that section provides for the waiver of such fee. Resubmission of a Permittee’s Plan is not required with a re-registration provided, however, that such Plan shall be provided to, if requested by, the commissioner. Such Plan shall be provided within the time frame provided for in any request, or if no timeframe is provided, within thirty (30) days of the date of any such request.
 - (B) *Existing Projects that are not re-registered.* Discharges at or emanating from a site, for a Permittee with a registration previously approved by the Commissioner, that is not re-registered in accordance with this section shall no longer be authorized. Any re-registration

received more than one hundred twenty (120) days after the effective date of this general permit shall be considered to be a new registration, and shall not be eligible for any exemption from, or waiver of, any condition or requirement of this general permit, as specified in this section, and shall instead be required to comply with this general permit as if it were a new project, i.e., a project that had not been previously registered.

- (C) *Exemption for Existing Projects Upon Re-Registration.* A Permittee that submits a re-registration in compliance with this section shall, except as provided in this section, comply with the terms and conditions of this general permit, including, but not limited to, the Plan in effect for the site. Any such Permittee shall be exempt from compliance with Sections 3(b)(15) and 5(b)(2)(D)(vi) of this general permit and, for a Permittee submitting a re-registration for construction of a solar array, shall be exempt from paragraphs (1) and (2) of Section I, Design and Construction requirements, in Appendix I and Section II, Design requirements for post-construction stormwater management measures in Appendix I.

Note: For clarification purposes, the provisions of this general permit, including any updates to a Permittee's Plan, shall not apply retroactively to construction activities that may have already commenced – or been completed - before a Permittee submits a re-registration pursuant to section 4(c)(3) of this general permit. For example, the plan implementation inspections required by Section 5(b)(4)(A) of this general permit would not be applicable to a phase of construction already begun at the time a re-registration is submitted. By contrast, compliance with those same plan implementation inspection requirements would be required for each phase of construction that commences after a re-registration is submitted.

(4) Latest Date for New Registrations

Unless another date is specified by the Commissioner on the Department's Internet website (www.ct.gov/deep/stormwater), no person shall submit a registration under this general permit on or after October 1, 2025.

(d) *Contents of Registration*

(1) Fees

(A) Registration Fee

A registration, if required, shall not be deemed complete unless the registration fee has been paid in full.

(i) Locally Approvable Projects

A registration fee of \$625.00 shall be submitted to the Department with the registration form.

(ii) Locally Exempt Projects

A registration fee shall be submitted with a registration form as follows:

- (a) For sites with total disturbance of one (1) or more acres, but less than fifteen (15) acres, the fee shall be \$3,000.
- (b) For sites with total disturbance equal to or greater than fifteen (15) acres and less than fifty (50) acres, the fee shall be \$4,000.

- (c) For sites with total disturbance equal to or greater than fifty (50) acres, the fee shall be \$5,000.

The fees for municipalities shall be half of those indicated in subsections (a), (b) and (c) above pursuant to section 22a-6(b) of the Connecticut General Statutes. State and Federal agencies shall pay the full fees specified in this subsection.

(iii) Re-registration

- (a) For sites that registered under the previous version of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities prior to August 1, 2019 and for which no Notice of Termination has been submitted pursuant to the “Termination Requirements” section (Section 6), the re-registration fee shall be \$625 payable with submission of the re-registration form within one hundred twenty (120) days from the effective date of this general permit. If a Notice of Termination is submitted prior to January 1, 2020, no re-registration or associated fee are required.
- (b) For sites that registered under the previous version of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities on or after August 1, 2019 and for which no Notice of Termination has been submitted pursuant to the “Termination Requirements” section (Section 6), the permittee shall re-register and there is no re-registration fee.

(B) The registration fee shall be paid electronically or by check or money order payable to the Department of Energy & Environmental Protection in accordance with the instructions on the registration form.

(C) The registration fee is non-refundable.

(2) Registration Form

A registration shall be filed electronically on forms prescribed and provided by the commissioner (available at: www.ct.gov/deep/stormwater).

A registration shall include, but not be limited to, the following:

- (A) Legal name, address, email address, and telephone number of the registrant. If the registrant is a person (as defined in Section 2 of this permit) transacting business in Connecticut and is registered with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State.
- (B) Legal name, address, email address, and telephone number of the owner of the property on which the construction activity will take place.
- (C) Legal name, address, email address, and telephone number of the primary contact for departmental correspondence and inquiries, if different from the registrant.
- (D) Legal name, address, email address, and telephone number of the developer of the property on which the construction activity is to take place.
- (E) Legal name, address, email address, and daytime and off-hours telephone numbers of the general contractor(s) or other representative(s), if different from the developer.

- (F) Legal name, address, email address, and telephone number of any consultant(s), engineer(s) or landscape architect(s) retained by the permittee to prepare the registration and Stormwater Pollution Control Plan.
- (G) Location address or description of the site for which the registration is filed.
- (H) The estimated duration of the construction activity.
- (I) Indication of the normal working hours at the site.
- (J) A brief description of the construction activity, including, but not limited to:
 - (i) Total number of acres to be disturbed, regardless of phasing.
 - (ii) Verification that construction is in accordance with the Guidelines and local erosion and sediment control ordinances, where applicable.
 - (iii) For sites in the Coastal Boundary, documentation that the DEEP Office of Long Island Sound Programs or local governing authority has issued a coastal site plan approval or a determination that the project is exempt from coastal site plan review (see Appendix D) in accordance with section 22a-92 and 22a-93(15) of the Connecticut General Statutes.
 - (iv) Documentation that the construction activity will not threaten the continued existence of any species listed pursuant to section 26-306 of the Connecticut General Statutes as endangered or threatened and will not result in the destruction or adverse modification of habitat designated as essential to such species (see Appendix A).
 - (v) For sites discharging to certain impaired waters, as specified in Section 3(b)(13) of the general permit, documentation that the construction activity meets the requirements of that section and Section 5(b)(3) of the general permit for authorization under this general permit.
 - (vi) Verification that the construction activity is not located within an aquifer protection area (see Appendix C) as mapped under section 22a-354b of the Connecticut General Statutes or, if it is located within an aquifer protection area, that the construction activity will comply with regulations adopted pursuant to section 22a-354i of the Connecticut General Statutes.
 - (vii) For a proposed locally approvable project, a plan review certification from the appropriate District, qualified soil erosion and sediment control professional, and/or qualified professional engineer in accordance with Section 5(b)(10) or (11) or a notice from the District that they were unable to complete the Plan review within the time limits specified in the Memorandum of Agreement in Appendix E.
- (K) A brief description of the stormwater discharge, including:
 - (i) The name of the municipal separate storm sewer system or immediate surface water body or wetland to which the stormwater runoff will discharge;
 - (ii) Verification of whether or not the site discharges to a tidal wetland (that is not a fresh-tidal wetland) within 500 feet of the discharge point, to a high quality water or to an impaired water with or without a TMDL;

- (iii) The name of the watershed or nearest waterbody to which the site discharges.
- (iv) Location of the stormwater discharge(s) including latitude and longitude.
- (L) The total effective impervious cover for the site before and after the proposed construction activity.
- (M) Documentation that the proposed construction activity has been reviewed for consistency with state Historic Preservation statutes, regulations, and policies including identification of any potential impacts on property listed or eligible for listing on the Connecticut Register of Historic Places. A review conducted for an Army Corps of Engineers Section 404 wetland permit would meet this qualification. Refer to Appendix G for guidance on conducting the required review.
- (N) An electronic copy of their Plan. The electronic Plan shall be in Adobe™ PDF format or similar publicly available format in common use. **DO NOT INCLUDE** in this Plan any pages or other material that do not pertain to stormwater management or erosion and sediment control (such as electrical and lighting plans, boundary or lot surveys, building plans, non-stormwater related detail sheets, etc.).
- (O) The certification of the registrant and of the individual or individuals responsible for actually preparing the registration, in accordance with Section 3(b)(8) of the general permit.
- (P) A design certification must be signed by a professional engineer or, where appropriate, a landscape architect in accordance with Section 3(b)(9) of the general permit.
- (Q) For registrations for locally approvable projects a review certification must be signed by either: (i) a District representative in accordance with Section 3(b)(10) of the general permit, or (ii) a qualified soil erosion and sediment control professional and/or qualified professional engineer in accordance with either Section 3(b)(11) of the general permit.

If the registrant is not capable of submitting electronically, contact the DEEP stormwater staff at DEEP.stormwaterstaff@ct.gov.

(3) Re-Registration Form

For sites previously registered under any previous version of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities and for which no Notice of Termination has been submitted pursuant to the “Termination Requirements” in Section 6 of the general permit, a re-registration is required. Such re-registration shall be filed electronically on forms prescribed and provided by the commissioner (available at: www.ct.gov/deep/stormwater) and shall include, but not be limited to, the following:

- (A) Legal name, address, email address, and telephone number of the registrant. If the registrant is a person transacting business in Connecticut and is registered with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State.
- (B) The previously issued permit number (beginning with GSN).
- (C) Legal name, address, email address, and telephone number of the owner of the property on which the construction activity will take place.

- (D) Legal name, address, email address, and telephone number of the primary contact for departmental correspondence and inquiries, if different from the registrant.
- (E) Legal name, address, email address, and telephone number of the developer of the property on which the subject construction activity is to take place.
- (F) Legal name, address, email address, and daytime and off-hours telephone numbers of the general contractor(s) or other representative(s), if different from the developer.
- (G) Legal name, address, email address, and telephone number of any consultant(s) or engineer(s) retained by the permittee to prepare the registration and Stormwater Pollution Control Plan.
- (H) Location address or description of the site for which the re-registration is filed.
- (I) Indication of the normal working hours at the site.
- (J) The estimated duration of the construction activity.
- (K) The signature of the registrant and of the individual or individuals responsible for actually preparing the re-registration, each of who shall certify in writing as follows:

“I hereby certify that I am making this certification in connection with a registration under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, submitted to the commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY] and that all terms and conditions of the general permit are being met for all discharges which have been initiated and such activity is eligible for authorization under such permit. I further certify that all designs and plans for such activity meet the current terms and conditions of the general permit in accordance with Section 5(b)(5)(C) of such general permit and that a system is in place to ensure that all terms and conditions of this general permit will continue to be met for all discharges authorized by this general permit at the site. I certify that the registration filed pursuant to this general permit is on complete and accurate forms as prescribed by the commissioner without alteration of their text. I certify that I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section 3(b)(8)(A) of such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I also understand that knowingly making any false statement made in the submitted information and in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the Connecticut General Statutes and any other applicable law.”

(e) *How to Submit a Registration*

A registration or re-registration (available at: www.ct.gov/deep/stormwater) shall be filed electronically with the commissioner in accordance with Section 4(d)(2) or (3) of the general permit. If a permittee is not capable of submitting electronically, contact the DEEP stormwater staff at DEEP.stormwaterstaff@ct.gov.

(f) Availability of Registration and Plan

The commissioner shall post on the DEEP website a list of registrations submitted. Plans will be posted electronically with the corresponding registration. On or before thirty (30) days from the date such registration is accessible to the public through posting by the commissioner, members of the public may review and comment on a registration and/or Plan. This provision shall not apply to Permittee's submitting a re-registration for sites registered under any previous version of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities and for which no Notice of Termination has been submitted pursuant to the "Termination Requirements" in Section 6 of the general permit.

(g) Additional Information

The commissioner may require a Permittee to submit additional information that the commissioner deems necessary to evaluate compliance of the subject construction activity with the requirements for authorization under this general permit.

(h) Additional Notification

- (1) No later than five (5) days after submitting a registration to the commissioner, the Permittee shall provide the following additional notifications:
 - (A) For discharges authorized by this general permit to a regulated municipal separate storm sewer system, a notification that a registration has been submitted to the Department shall also be submitted to the owner and operator of that system.
 - (B) For discharges authorized by this general permit to a DOT separate storm sewer system, a copy of the registration and all attachments thereto shall also be submitted to the DOT upon request.
 - (C) For discharges within a public drinking water supply watershed or aquifer protection area, a copy of the registration and the Plan described in subsection 5(b) of this general permit shall be submitted to the water company.
 - (D) For discharges to river components and tributaries which have been designated as Wild and Scenic under the Wild and Scenic Rivers Act, a copy of the registration and the Plan described in 5(b) of this general permit shall be submitted to the applicable Wild and Scenic Coordinating Committee. Please refer to Appendix H for additional guidance.
- (2) The Permittee shall ensure that a copy of the registration submitted to the Commissioner and the Plan shall be available upon request to the local inland wetlands agency established pursuant to section 22a-42 of the Connecticut General Statutes, or its duly authorized agent.

(i) Action by Commissioner

- (1) The commissioner may reject without prejudice a registration that the commissioner deems insufficient. For example, if it does not satisfy the requirements of the "Contents of Registration" section (subsection 4(d)) of this general permit. Any registration refiled after such a rejection shall be accompanied by the fee specified in the "Fees" subsection (subsection 4(d)(1)) of this general permit.
- (2) The commissioner may disapprove a registration if it does not comply with the requirements of this general permit or for any other reason provided for by law. For example, if it is inconsistent with the requirements for authorization under the "Requirements for Authorization" section

(Section 3(b)) of this general permit, or an individual permit is required pursuant to Conn. Gen. Stat. § 22a-430b(c). Disapproval of a registration under this subsection shall constitute notice to the registrant that the subject construction activity must be authorized under an individual permit.

- (3) Rejection or disapproval of a registration by the commissioner shall be in writing and state the reasons for such rejection or disapproval.
- (4) Pursuant to Conn. Gen. Stat. § 22a-430b(c), the commissioner may require that a person or municipality obtain an individual permit, in which case, such person or municipality will be ineligible for authorization under this general permit.
- (5) When approving a registration, the commissioner may include in any such approval any term or condition the commissioner deems necessary to protect human health and the environment..

Section 5. Conditions of this General Permit

The permittee shall comply with all of the requirements of this general permit at all times. In addition, a permittee shall be responsible for conducting authorized construction activities in accordance with the following conditions:

(a) General Conditions

- (1) Structures and Dredging in Coastal and Tidal Areas

Any person who or municipality that discharges stormwater into coastal tidal waters for which a permit is required under section 22a-361 of the Connecticut General Statutes (structures and dredging) or section 22a-32 of the Connecticut General Statutes (Tidal Wetlands Act), shall obtain such permit(s) from the commissioner. A tidal wetland permit is required for any regulated activity conducted within a tidal wetland, including, but no limited to, the placement of any sediment upon a tidal wetland, whether it is deposited directly or indirectly.

- (2) Discharges to Tidal Wetlands

Any site which has a post-construction stormwater discharge to a tidal wetland (that is not a fresh-tidal wetland) where such discharge is within 500 feet of the tidal wetland, shall discharge such stormwater through a system designed to retain and infiltrate the volume of stormwater runoff generated by 1 inch of rainfall on the site. If there are site constraints that would prevent retention of this volume on-site (e.g., brownfields, capped landfills, bedrock, elevated groundwater, etc.), documentation must be submitted, for the commissioner's review and written approval, which explains the site limitations and offers an alternative retention volume. In such cases, the portion of 1 inch that cannot be retained must be provided with additional stormwater treatment so as to protect water quality. Any such treatment shall be designed, installed and maintained in accordance with the Stormwater Quality Manual.

For sites unable to comply with this section, the commissioner, at the commissioner's sole discretion, may require the submission of an individual permit in lieu of authorization under this general permit.

- (3) Toxicity to Aquatic and Marine Life/Risk to Human Health

Any discharge authorized under this general permit shall not cause pollution due to acute or chronic toxicity to aquatic and marine life, impair the biological integrity of aquatic or marine ecosystems, or result in an unacceptable risk to human health.

(4) Water Quality Standards

Any discharge authorized under this general permit shall not cause or contribute to an exceedance of the applicable Water Quality Standards in the receiving water.

(5) High Quality Waters

Any new or increased discharge authorized under this general permit to high quality waters shall be discharged in accordance with the Anti-Degradation Implementation requirements in the Water Quality Standards, section 22a-426-8 of RCSA.

(b) Stormwater Pollution Control Plan

All Permittees shall develop and maintain on-site a Stormwater Pollution Control Plan (“Plan” or “SWPCP”) for the construction activity authorized by this general permit. Once the construction activity begins, the permittee shall perform all actions required by such Plan and shall maintain compliance with the Plan at all times. The permittee shall ensure that the design and implementation of the Plan minimizes: (1) soil erosion and sedimentation during and after construction; and (2) stormwater pollution from the site after construction is completed.

(1) Development and Contents of Plan

(A) The Plan shall consist of site plan drawings and a narrative. The Plan shall be prepared in accordance with sound engineering practices, and shall be consistent with the Guidelines, the Stormwater Quality Manual (available at <http://www.ct.gov/deep/stormwater>) and any applicable requirements of this general permit. The Plan shall also be consistent with any remedial action plan, closure plan or other plan required by any other DEEP permit.

(B) The Plan shall include, at a minimum, the following items:

(i) Site Plan

Site drawings indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, the location of major structural and non-structural controls (as specified in subsection 5(b)(2), below), the location of areas where stabilization practices are expected to occur, areas which will be vegetated following construction, surface waters, impaired waters (identifying those with and without a TMDL), high quality waters, inland wetlands, tidal wetlands, fresh-tidal wetlands, and locations where stormwater will be discharged to a surface water (both during and post-construction);

(ii) Site Description

(a) A narrative description of the nature of the construction activity;

(b) An estimate of the total area of the site and the total area of the site that is expected to be disturbed by construction activities;

(c) An estimate of the average runoff coefficient of the site after construction activities are completed;

(d) The name of the immediate receiving water(s) and the ultimate receiving water(s) of the discharges authorized by this general permit; and

(e) Extent of wetland acreage on the site.

(iii) Construction Sequencing

The Plan shall clearly identify the expected sequence of all construction activities on the site and corresponding erosion and sediment controls and shall include an estimated timetable for all construction activities, which shall be revised as necessary to keep the Plan current. Wherever practicable, site construction activities shall be phased to avoid the disturbance of over five acres at one time (or a lesser area of disturbance as required in Section 5(b)(3) of the general permit regarding “Impaired Waters”. In addition, permanent stormwater control measures, including, but not limited to, stormwater basins should be constructed, where practicable, in the early phases of the construction sequence. The Plan shall clearly show the limits of total disturbance for the construction activity and for each phase.

(iv) Control Measures

The Plan shall include a description, in a separate narrative and on the site plan drawings, of control measures that will be implemented at the site to minimize the discharge of pollutants. Control measures shall be implemented in accordance with Section 5(b)(2) of the general permit. In addition, the following information shall be provided:

- (a) Calculations supporting the design of sediment and floatables removal controls pursuant to Section 5(b)(2)(C)(ii)(b) of the general permit.
- (b) Calculations supporting the design of velocity dissipation controls pursuant to Section 5(b)(2)(C)(ii)(c) of the general permit.

(v) Runoff Reduction and Low Impact Development (LID) Information

Where runoff reduction practices and/or LID measures are utilized, the following information shall be included in the site plan and narrative (refer to Appendix B for guidance):

- (a) The location of the site’s streams, floodplains, all wetlands, riparian buffers, slopes 3:1 and steeper, and vegetation identified for preservation and non-disturbance during construction such as forested areas, hay fields, and old fields;
- (b) Natural drainage patterns, swales, and other drainage ways, that are not streams, floodplains, or wetlands;
- (c) The location of all areas with soils suitable for infiltration¹ and areas of the site best suited for infiltration for the siting of runoff reduction practices and LID design measures;
- (d) The location of all areas unsuitable or least suitable for infiltration for the siting of areas of development/building;

¹ Infiltration rates must be measured by a field permeability test. The measured field design infiltration rate is equal to one-half the field-measured infiltration rate.

- (e) The location of all post-construction stormwater management measures, runoff reduction practices and LID design measures developed pursuant to subsection 5(b)(2)(C)(i) of the general permit;
 - (f) Identification of areas inappropriate for the infiltration of stormwater runoff from land uses with a significant potential for groundwater pollution;
 - (g) A narrative describing the nature, purpose, implementation and long-term maintenance of post-construction stormwater management measures, runoff reduction practices and LID design measures;
 - (h) Calculations, for measures developed pursuant to Section 5(b)(2)(C)(i) of the general permit, illustrating the retention of the water quality volume or half the water quality volume for the site, as applicable, including a discussion of the impact of any runoff reduction and/or LID practices on these calculations;
 - (i) A narrative describing any site constraints that prevent retention of the appropriate volume specified in Section 5(b)(2)(C)(i) of the general permit including: an explanation of the site limitations; a description of the runoff reduction practices implemented; an explanation of why the amount retained constitutes the maximum extent achievable; an alternative retention volume; and a description of the measures used to provide additional stormwater treatment for sediment, floatables and nutrients above the alternate volume up to the water quality volume; and
 - (j) Calculations showing the proposed effective impervious cover for the site and, where required or proposed for linear projects pursuant to Section 5(b)(2)(C)(i) of the general permit, each outfall drainage area.
- (vi) Inspections
- (a) Plan Implementation Inspections

The Plan shall include a Plan Implementation inspection checklist, a schedule for conducting inspections, and identification of the designing qualified professional (and District personnel, as appropriate) conducting such inspections and their responsibilities and procedures pursuant to subsection 5(b)(4)(A) of the general permit. The Plan shall also include documentation of the qualifications of the inspector and the findings, actions and results of all inspections conducted at the site. For inspection requirements for solar arrays (as defined in Section 2), see Appendix I.
 - (b) Routine Inspections

The Plan shall include a routine inspection checklist, schedule for conducting inspections, and identification of the qualified inspector(s) conducting the routine inspections and their responsibilities and procedures pursuant to subsection 5(b)(4)(B) of the general permit. The Plan shall also include documentation of the qualifications of the inspector(s) and the findings, actions and results of all inspections conducted at the site.
 - (c) For additional Plan Implementation and Routine Inspection requirements for solar arrays, see Appendix I.

(d) Inspection Checklists

The checklists required by (vi)(a) and (vi)(b) of this subparagraph shall include the information described in the checklist forms found at: www.ct.gov/deep/stormwater. Such inspection checklists shall comply with the requirements and conditions of Section 5(b)(4) of the general permit, and include a space for the qualified professional's signature and professional stamp.

(vii) Contractors

(a) The Plan shall clearly identify each contractor and subcontractor that will perform construction activities on the site that have the potential to cause pollution of the waters of the State. The Plan shall also include a copy of the certification statement pursuant to "Other Requirements for Authorization" in Section 3(b)(16) of the general permit, signed by each such contractor and subcontractor.

(b) Subdivisions

Where individual lots in a subdivision or other common plan of development are conveyed or otherwise the responsibility of another person or municipality, those individual lot contractors shall be required to comply with the provisions of this general permit and the Stormwater Pollution Control Plan, regardless of lot size or disturbed area. In such cases, the permittee shall provide a copy of the Plan to each individual lot contractor, obtain signed certifications pursuant to Section 3(b)(16)(B) of the general permit from such contractors and retain all signed certifications in the Plan.

(viii) Impaired Waters

For construction activities that discharge to impaired waters, as specified in "New Discharges to Impaired Waters" (Section 3(b)(13)), the Plan shall include a description of the provisions for controlling the construction and post-construction stormwater discharges to these waters pursuant to subsection 5(b)(3) below.

(2) Stormwater Control Measures

Control Measures are required Best Management Practices (BMPs) that the permittee must implement to minimize the discharge of pollutants from the permitted activity. The term "minimize" is defined in Section 2 of this general permit. The Permittee shall comply with the following requirements.

Control Measures shall be designed in accordance with the Guidelines, the Stormwater Quality Manual or the DOT Qualified Products List (<https://portal.ct.gov/-/media/DOT/documents/dresearch/ConnDOT-Qualified-Product-List.pdf?la=en>). Use of control measures to comply with the "Erosion and Sediment Controls" section (subsection (A) below) of this general permit that are not included in such references must be approved by the commissioner. The narrative and drawings of controls shall address the following minimum components:

(A) Erosion and Sediment Controls

(i) Soil Stabilization and Protection

The Plan shall include a narrative and drawings of interim and permanent soil stabilization practices for managing disturbed areas and soil stockpiles, including a schedule for implementing the practices. The Permittee shall ensure that existing vegetation is preserved to the maximum extent practicable and that disturbed portions of the site are minimized and stabilized throughout the duration of the construction activity at the site.

Regardless of any provisions for erosion control barriers prescribed in the Guidelines, the Permittee shall ensure that two rows of erosion control barriers are installed and maintained on sites with slopes equal to or greater than eight percent (8%) within the contributing drainage area to such barrier. Notwithstanding the foregoing, use of two rows of erosion control barriers shall not be required on the sites specified in this paragraph when: (i) the Commissioner determines, for a limited section or portion of such erosion control barriers, that it is necessary to accommodate animal crossing or animal movement; (ii) the Commissioner approves a Plan that includes an erosion control system whose performance is equivalent to, or exceeds, two rows of erosion control barriers; or (iii) for *linear projects*, the Commissioner has determined that two rows of erosion control barriers, when compared to one row, will cause greater adverse impact to wetlands, waters, or other sensitive resources. In such situation the Commissioner may approve a Plan with one row of erosion control barriers or an alternative erosion control system. When implementing this paragraph the Commissioner may consider the contributing disturbed area, drainage area, length of the slope, flow conditions to maintain sheet flow, the efficacy of the proposed barrier, any adverse impacts from the use of one or two rows of erosion control barriers, and any other factor the Commissioner deems necessary.

Where construction activities have permanently ceased or when final grades are reached in any portion of the site, stabilization and protection practices as specified in Chapter 5 of the Guidelines or as approved by the commissioner shall be implemented within seven days. Notwithstanding any provisions of the Guidelines, areas that will remain disturbed but inactive for at least fourteen calendar days shall receive temporary seeding or soil protection within seven days in accordance with the Guidelines unless site conditions warrant shorter time periods for these provisions.

Areas that will remain disturbed beyond the seeding season as identified in the Guidelines, shall receive long-term, non-vegetative stabilization and protection sufficient to protect the site through the winter. In all cases, stabilization and protection measures shall be implemented as soon as possible in accordance with the Guidelines or as approved by the commissioner.

Temporary or permanent vegetation or other ground cover shall be maintained at all times in all areas of the site, except those undergoing active disturbance, in order to prevent erosion and soil compaction during construction activities. All new temporary and permanent vegetation shall consist of native plant species. With respect to such vegetation, the Permittee shall not use chemical fertilization, herbicides, or pesticides except as necessary to establish such vegetation.

A reverse slope bench is required for any slope steeper than 3:1 (horizontal: vertical) that exceeds 15 feet vertically, except when engineered slope stabilization structures or measures are included or a detailed soil mechanics analysis has been conducted to

verify stability. Engineered analyses and measures must be designed by a CT licensed Professional Engineer with experience in geotechnical engineering or soil mechanics.

(ii) Wetland Protection

Where site disturbance occurs within fifty (50) feet upgradient of a wetland, wetlands, or waters as defined in Section 2 of the general permit, a double row of sediment barrier (e.g. hay bales, silt fence, wattles, etc.) shall be installed in accordance with the Guidelines between the disturbed area and any such downgradient wetland, wetlands or waters.

(iii) Structural Measures

The Plan shall include a narrative and drawings of structural measures to divert flows away from exposed soils, store flows or otherwise limit runoff and minimize the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the commissioner, or if otherwise authorized by another state or federal permit, structural measures shall be installed on upland soils.

For points of discharge from disturbed sites with a total contributing drainage area of between two to five acres, a temporary sediment trap or temporary sediment basin shall be designed and installed in accordance with the Guidelines. For points of discharge from disturbed sites with a total contributing drainage area greater than five acres, a temporary sediment basin shall be designed and installed in accordance with the Guidelines. Such trap(s) or basin(s) must be maintained until final stabilization of the contributing area as defined in "Notice of Termination" (Section 6(a)).

The requirement for sediment traps or basins shall not apply to flows from off-site areas and flows from areas of the site that are either undisturbed or have undergone final stabilization, provided such flows are diverted around the temporary sediment trap or basin and are approved in writing by the commissioner.

(iv) Maintenance

The Plan shall include a narrative of the procedures to maintain, in good and effective operating condition, all erosion and sediment control measures, including vegetation, and all other protective measures identified in the Plan. Maintenance of all erosion and sediment controls shall be performed in accordance with the Guidelines, or more frequently as necessary.

(B) Dewatering Wastewaters

Dewatering wastewaters shall be managed in accordance with the Guidelines. Dewatering wastewaters discharged to surface waters shall be discharged in a manner that minimizes the discoloration of the receiving waters. The Plan shall include a narrative and drawings of the operational and structural measures that will be used to ensure that all dewatering wastewaters will not cause scouring or erosion or contain suspended solids in amounts that could reasonably be expected to cause pollution of surface waters of the State. Unless otherwise specifically approved in writing by the commissioner, or if otherwise authorized by another state or federal permit, dewatering measures shall be installed on upland soils.

No discharge of dewatering wastewater(s) shall contain or cause a visible oil sheen, floating solids, or foaming in the receiving water.

(C) Post-Construction Stormwater Management

The Plan shall include a narrative and drawings of measures that will be installed during the construction process to minimize the discharge of pollutants in stormwater discharges that will occur after construction operations have been completed. Post-construction stormwater management measures shall be designed and implemented in accordance with the Stormwater Quality Manual, the DOT Qualified Products List or as approved by the commissioner. Unless otherwise specifically provided by the commissioner in writing, or authorized by another state or federal permit, structural measures shall be placed on upland soils. The Plan shall include provisions to address the long-term maintenance of any post-construction stormwater management measure installed.

(i) Post-Construction Performance Standards

The permittee shall utilize runoff reduction practices (as defined in Section 2 of the general permit) to meet runoff volume requirements based on the conditions below.

(a) Redevelopment

For sites that are currently developed with an effective impervious cover of forty percent or more and for which the permittee is proposing redevelopment, the permittee shall design the site in such a manner as to retain on-site half the water quality volume (as defined in Section 2 of the general permit) for the site and provide additional stormwater treatment without retention for discharges up to the full water quality volume for sediment, floatables and nutrients to the maximum extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice. In cases where the permittee is not able to retain half the water quality volume (e.g., brownfields, capped landfills, bedrock, elevated groundwater, etc.), the permittee shall design the redevelopment to retain runoff volume to the maximum extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice. In such cases, additional stormwater treatment up to the full water quality volume is still required. Any such treatment shall be designed, installed and maintained in accordance with the Stormwater Quality Manual. If retention of half the water quality volume is not achieved, the permittee shall submit a report for the commissioner's review and written approval describing: the measures taken to maximize runoff reduction practices on the site; the reasons why those practices constitute the maximum extent achievable; the alternate retention volume; and a description of the measures used to provide additional stormwater treatment above the alternate volume up to the water quality volume.

(b) Linear Redevelopment

In the case of linear redevelopment projects (e.g. roadway reconstruction or widening or public utility rights of way) for the developed portion of the right of way: (1) for projects that may be unable to comply with the retention of the appropriate portion of the water quality volume specified in subparagraphs (a) and (c) of this subsection, the alternate retention and treatment provisions may also be applied as specified in such subparagraphs, or (2) for projects that will not increase the effective impervious cover within a given watershed, the permittee shall implement the additional stormwater treatment measures referenced in subsections (a) and (c) of this subsection, but will not be required to retain the appropriate portion of the water quality volume specified in such paragraphs.

(c) Other Development

The following performance standard applies to all sites that are currently undeveloped or are currently developed with less than forty percent effective impervious cover. For these sites, the permittee shall design the site to retain the water quality volume for the site. If there are site constraints that would prevent retention of this volume on-site (e.g., brownfields, capped landfills, bedrock, elevated groundwater, etc.), documentation must be submitted, for the commissioner's review and written approval, which: explains the site limitations; provides a description of the runoff reduction practices implemented; provides an explanation of why this constitutes the maximum extent achievable; offers an alternative retention volume; and provides a description of the measures used to provide additional stormwater treatment for sediment, floatables and nutrients above the alternate volume up to the water quality volume. In the case of linear projects that do not involve impervious surfaces (e.g. electrical transmission rights-of-way or natural gas pipelines), retention of the water quality volume is not required as long as the post-development runoff characteristics do not differ significantly from pre-development conditions.

(ii) Post-Construction Control Measures

(a) Runoff Reduction and Low Impact Development ("LID") Practices

The site design shall incorporate runoff reduction practices, low impact development ("LID") practices or other post-construction control measures to meet the performance standards in subsection (i) above, promote groundwater recharge and minimize post-construction impacts to water quality. Please refer to Appendix B for additional guidance information.

(b) Suspended Solids and Floatables Removal

The permittee shall install post-construction stormwater control measures designed to minimize the discharge of suspended solids and floatables (e.g. oil and grease, other floatable liquids, floatable solids, trash, etc.) from stormwater. A goal of 80 percent removal of the annual sediment load from the stormwater discharge shall be used in designing and installing such stormwater control measures. The Plan shall provide calculations supporting the capability of such measures in achieving this goal and any third-party verification, as applicable, of the sediment removal efficiencies of such measures. This goal is not intended to limit local approval authorities from requiring a higher standard pursuant to local requirements.

(c) Velocity Dissipation

Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow to receiving waters so that the natural physical and biological characteristics and functions of such waters are maintained and protected.

(D) Other Controls

The following additional controls shall be implemented:

(i) Waste Disposal

Best management practices shall be implemented to minimize the discharge of litter, debris, building materials, hardened concrete waste, or similar materials to waters of the State. A narrative of these practices shall be provided in the Plan. In addition, the dumping of liquid wastes in storm sewers is prohibited.

(ii) Washout Areas

Washout of applicators, containers, vehicles and equipment for concrete, paint and other materials shall be conducted in a designated washout area. There shall be no surface discharge of washout wastewaters from this area. Such washout shall be conducted: (1) outside of any buffers and at least 50 feet from any stream, wetland or other sensitive resource; or (2) in an entirely self-contained washout system. The permittee shall clearly flag off and designate areas to be used for washing and conduct such activities only in these areas. The permittee shall direct all washwater into a container or pit designed such that no overflows can occur during rainfall or after snowmelt. At least once per week, the permittee shall inspect all of the containers or pits used for washout to ensure structural integrity, adequate holding capacity, and to check for leaks or overflows. If there are signs of leaks, holes or overflows in the containers or pits that could lead to a discharge, the permittee shall repair them prior to further use.

For concrete washout areas, the permittee shall remove hardened concrete waste whenever the hardened concrete has accumulated to a height of $\frac{1}{2}$ of the container or pit or as necessary to avoid overflows. The permittee shall remove and dispose of such hardened concrete waste in accordance with the practices developed for "Waste Disposal" (see Section 5(b)(2)(D)(i) of this general permit).

A narrative of maintenance procedures and a record of maintenance and inspections shall be included in the Plan.

(iii) Off-site Vehicle Tracking/Dust Suppression

Off-site vehicle tracking of sediments and the generation of dust shall be minimized. Wet dust suppression shall be used, in accordance with section 22a-174-18(c) of the Regulations of Connecticut State Agencies, for any construction activity that causes airborne particulates. The volume of water sprayed for controlling dust shall be minimized so as to prevent the runoff of water. No discharge of dust control water shall contain a visible oil sheen, floating solids, visible discoloration, or foaming agents or cause a visible sheen, floating solids, visible discoloration, or foaming in any receiving waters.

(iv) Cleaning

All post-construction stormwater structures shall be cleaned of construction sediment and any remaining silt fence shall be removed upon stabilization of the site.

(v) Storage of Chemical and Petroleum Products

All chemical and petroleum product containers stored on the site (excluding those contained within vehicles and equipment) shall be stored within an impermeable containment system that is free of gaps and cracks, can contain any leaks or spills and accumulated precipitation until the collected materials are detected and removed, and

which can hold at least 110% of the volume of the largest container, or 10% of the total volume of all containers in the area, whichever is larger, without overflow from the containment system. In addition, all chemicals and petroleum products shall be stored under a roofed area except for those chemicals stored in containers of 100 gallon capacity or more, in which case a roof is not required. Double-walled tanks satisfy the requirements of this paragraph for containment and roofing.

(vi) Cold Water Stream Habitat

For construction activities within a Cold Water Stream Habitat watershed, as specified in Section 3(b)(15) of this general permit, the one hundred (100) foot undisturbed buffer specified in that section must be verified post-construction and, where such buffer is located within the boundaries of the construction site, supplemented with additional plantings as necessary to maintain canopy/stream cover.

(3) Additional Control Measures for Impaired Waters

Construction activities discharging directly to impaired waters that do not comply with this subsection are not authorized by this general permit. For construction activities that discharge directly to impaired waters, as specified in “New Discharges to Impaired Waters” (Section 3(b)(13) of this general permit), the Plan shall include the following provisions:

- (A) In lieu of the provisions regarding “Construction Sequencing” in Section 5(b)(1)(B)(iii) of this general permit, no more than 3 acres may be disturbed at any one time. For those areas for which construction activity will be temporarily suspended for a period of greater than 14 days, temporary stabilization measures shall be implemented within 3 days of such suspension of activity. For all areas, permanent stabilization shall be implemented within 30 days of disturbance; *or*
- (B) The Plan shall document that measures are in place to ensure that there will be no discharge to the impaired water from rain events up to a 2-year, 24-hour rain event while construction activity is occurring; *or*
- (C) For discharges to impaired waters with an established TMDL, the requirements for stormwater discharges specified in the TMDL shall be met, or:
 - (i) the Plan shall document that there is sufficient remaining Waste Load Allocation (WLA) in the TMDL to allow the discharge;
 - (ii) measures shall be implemented to ensure the WLA will not be exceeded; *and*
 - (iii) stormwater discharges shall be monitored, if applicable, for any indicator pollutant identified in the TMDL for every rain event that produces a discharge to ensure compliance with the WLA.

(4) Inspections

All construction activities authorized by this general permit shall be inspected initially for Plan implementation and then weekly for routine inspections. Upon project completion and prior to submission of a Notice of Termination, post-construction and final stabilization inspections shall also be conducted. For inspections at solar arrays, see additional requirements in Appendix I.

(A) Plan Implementation Inspections

Prior to commencement of each phase of the construction activity on the site, the permittee shall contact the designing qualified professional and, for locally exempt projects including, but not limited to, solar arrays subject to Appendix I, the appropriate District to ensure that all required inspections are conducted. For each phase of construction, the site shall be inspected at least once within the first thirty (30) days of construction activity and at least three times, with seven (7) or more days between inspections, within the first ninety (90) days of construction activity to confirm compliance with the general permit and proper initial implementation of all control measures designated in the Plan for each phase of construction. The following conditions shall apply:

- (i) for all projects not conducted by a state agency and which disturb more than one (1) acre, the inspector shall be someone who:
 - (a) is not an employee, as defined by the Internal Revenue Service in the Internal Revenue Code of 1986, of the registrant, and
 - (b) has no ownership interest of any kind in the project for which the registration is being submitted.
- (ii) for projects conducted by a state agency and which disturb more than one (1) acre, the inspector shall be someone who:
 - (a) meets the requirements in subparagraph (i), above, or
 - (b) is included in the list of qualified professionals specified in Section 3(b)(12)(B) of the general permit.

(B) Routine Inspections

The permittee shall routinely inspect the site for compliance with the general permit, including, but not limited to, compliance with the Plan for the site, until a Notice of Termination under Section 6 of the general permit has been submitted to the Commissioner. Inspection procedures for these routine inspections shall comply with the following:

- (i) The permittee shall maintain a rain gauge on-site to document rainfall amounts. At least once a week and within 24 hours of the end of a storm that generates a discharge, a qualified inspector (provided by the permittee), shall inspect, at a minimum, the following: disturbed areas of the construction activity that have not been finally stabilized; all erosion and sediment control measures; all structural control measures; all soil stockpile areas; all washout areas and locations where vehicles enter or exit the site. For storms that end on a weekend, holiday or other time after which normal working hours will not commence within 24 hours, a routine inspection is required within 24 hours only for storms that equal or exceed 0.5 inches. For storms of less than 0.5 inches, an inspection shall occur immediately upon the start of the subsequent normal working hours.

In areas of the site where temporary stabilization has been implemented, a routine inspection shall be conducted at least weekly until final stabilization has been achieved. Once all post-construction stormwater measures have been installed in accordance with the Post-Construction Stormwater Management section (subsection 5(b)(2)(C) of this general permit) and cleaned of any construction sediment or debris, a post-construction inspection shall be conducted in accordance with subsection (C), below. For sites that

have implemented final stabilization, a routine inspection shall be conducted in accordance with subsection (D), below.

- (ii) During each routine inspection the qualified inspector(s) shall, among other things, evaluate the effectiveness of erosion and sediment controls, structural controls, stabilization practices, and any other controls implemented to prevent pollution and determine if it is necessary to install, maintain, or repair such controls and/or practices to improve the quality of stormwater discharge(s). In addition, during each routine inspections the site including, but not limited to, all of the areas noted in the preceding paragraph, shall be inspected for evidence of, or the potential for, pollutants discharging to waters, or entering the drainage system and impacts to the receiving waters. Locations where vehicles enter or exit the site shall also be inspected for evidence of off-site sediment tracking.
- (iii) The qualified inspector conducting routine inspections shall prepare a report of each inspection. Each such report shall be retained as part of the Plan. A copy of each inspection report shall be submitted electronically in accordance with Section 5(c)(2) of the general permit. This report shall summarize: the scope of the inspection; name(s) and qualifications of personnel conducting the inspection; the date(s) of the inspection; weather conditions including precipitation information; major observations relating to erosion and sediment controls and the implementation of the Plan; a description of the stormwater discharge(s) from the site; and any water quality monitoring performed during the inspection. The report shall be signed by the permittee or his/her authorized representative in accordance with the "Certification of Documents," see Section 5(h) of this general permit.

The report shall include a statement that, in the judgment of the qualified inspector(s) conducting the site inspection, the site is either in compliance or out of compliance with the terms and conditions of the Plan and permit. If the site inspection indicates that the site is out of compliance, the inspection report shall include a summary of the remedial actions required to bring the site back into compliance. Non-engineered corrective actions (as identified in the Guidelines) shall be implemented on site within 24 hours and incorporated into a revised Plan within three (3) calendar days of the date of inspection unless another schedule is specified in the Guidelines. Engineered corrective actions (as identified in the Guidelines) shall be implemented on site within seven (7) calendar days and incorporated into a revised Plan within ten (10) calendar days of the date of inspection, unless another schedule is specified in the Guidelines or is approved by the commissioner. During the period in which any corrective actions are being developed and have not yet been fully implemented, interim measures shall be implemented to minimize the potential for the discharge of pollutants from the site.

- (iv) Inspectors from the DEEP and the appropriate District, where applicable, may inspect the site to verify compliance with this general permit at any time construction activities are ongoing, and upon completion of construction activities, until a Notice of Termination has been accepted by the Commissioner pursuant to Section 6 of the general permit.

(C) Post-Construction Inspection

- (i) For locally approvable projects, once all post-construction stormwater measures have been installed in accordance with Section 5(b)(2)(C) of the general permit, Post-Construction Stormwater Management, and cleaned of any construction sediment or debris, the Permittee shall ensure that the appropriate Conservation District or a qualified soil erosion and sediment control professional or a qualified professional

engineer, as appropriate, inspects the site to confirm compliance with the post-construction stormwater management requirements. The permittee shall ensure that the person inspecting the site pursuant to this paragraph is not an employee, as defined by the Internal Revenue Service in the Internal Revenue Code of 1986, of the Permittee and that such person has no ownership interest of any kind in the project for which the site's registration was submitted. A report shall be prepared and certified in accordance with Sections 6(a) and (b) of the general permit to indicate compliance with this requirement on the Notice of Termination form.

- (ii) For locally exempt projects except those conducted by state agencies, once all post-construction stormwater measures have been installed in accordance with the Section 5(b)(2)(C) of the general permit, "Post-Construction Stormwater Management", and cleaned of any construction sediment or debris, the permittee shall ensure that a qualified soil erosion and sediment control professional or a qualified professional engineer inspects the site to confirm compliance with the post-construction stormwater management requirements of the general permit. A report shall be prepared and certified in accordance with Sections 6(a) and (b) of the general permit to indicate compliance with this requirement on the Notice of Termination form.
- (iii) For projects conducted by state agencies, 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 DOT District Engineer or his/her designee and/or DOT District Environmental Coordinator, or the designated employee of another state agency, will inspect the site to confirm compliance with the post-construction stormwater management requirements of the general permit.

(D) Final Stabilization Inspection

For all projects, once the site has achieved final stabilization for at least one full growing season (April – October) in the year following the end of construction, the Permittee shall have the site inspected by a qualified inspector to confirm such stabilization is maintained. The Permittee shall indicate compliance with this requirement on the Notice of Termination form.

(5) Keeping Plans Current

The Permittee is responsible for keeping their Plan in compliance with this general permit at all times. This may involve any or all of the following:

- (A) The permittee shall amend the Plan if the actions required by the Plan fail to prevent pollution or unauthorized discharges to the waters of the state, or fail to comply with any other provision of this general permit. The Plan shall also be amended whenever there is an addition of or change in contractors or subcontractors at the site, the designing qualified professional, District personnel, or a change in design, construction, operation, or maintenance at the site which has not otherwise been addressed in the Plan.

The permittee shall submit a new registration to the commissioner in accordance with Section 4 of this general permit if the amount of disturbed area increases from the amount specified in the registration approved by the Commissioner or there are changes to engineered or non-engineered construction or post-construction control measures that have the potential to increase the quantity or quantity of pollution in the site's stormwater discharges. Such new registration shall be submitted before any such increases or changes are implemented.

- (B) The commissioner may notify the permittee at any time that the Plan or the site does not meet one or more requirements of this general permit. Within seven (7) days of such notice, or such other time as the commissioner may allow, the permittee shall make the required changes to the Plan and perform all actions required by such revised Plan. Within 15 days of such notice, or such other time as the commissioner may allow, the permittee shall submit to the commissioner a written certification that the requested changes have been made and implemented and such other information as the commissioner requires. Any such certification or information shall be submitted in accordance with the ‘Duty to Provide Information’ and ‘Certification of Documents,’ Sections 5(g) and 5(h) of this general permit.
- (C) For any stormwater discharges authorized under any previous version of this general permit, the Permittee shall, excluding any provisions for which an exemption is provided for in Section 4(c)(3)(C) of the general permit, update their Plan prior to their re-registration pursuant to Section 4(c)(3) of the general permit, and in no case later than one hundred twenty (120) days after the effective date of this general permit to ensure and maintain compliance with any applicable term and condition of this general permit. For previously authorized sites discharging to impaired waters or other sensitive areas, the commissioner may require additional control measures or provide authorization under an individual permit pursuant to Sections 4(i) and 3(i).
- (D) The Permittee shall ensure that any person keeping this Plan or part thereof current, under the Keeping Plans Current section of this permit, has qualifications that would be required under this general permit to initially prepare the Plan or part thereof.
- (E) The permittee shall retain as part of the Plan all modifications, and any documentation associated with each modification, made under this section.

(6) Failure to Prepare, Maintain or Update Plan

In no event shall failure to complete, maintain or update a Plan, in accordance with the ‘Development of Contents of the Plan’ and ‘Keeping Plans Current’ sections (subsections 5(b)(1) and 5(b)(5)) of this general permit, excuse non-compliance or relieve a permittee of responsibility to implement any actions required to protect the waters of the state or comply with the requirements of this permit.

(7) Plan Signature

The Plan shall be signed and certified as follows:

- (A) The Plan shall be signed by the permittee in accordance with the Section 5(h) of this general permit, ‘Certification of Documents’.
- (B) The Plan shall include certification by all contractors and subcontractors in accordance with Section 5(b)(1)(B)(vii) of this general permit, ‘Contractors’.
- (C) The Plan shall include a copy of the certification by a professional engineer or landscape architect made in accordance with Section 3(b)(9) of this general permit.

(8) Plan Review Certification

For a locally approvable project pursuant to Section 4(c) of this general permit, a copy of the Plan review certification made in accordance with Section 3(b)(10) or (11) of this general permit, as

applicable, shall be maintained with the Plan. (Note: Construction activities reviewed and certified pursuant to those sections are still subject to the local erosion and sediment control and stormwater management regulations of the municipality in which the activity is conducted.)

(9) Plan Submittal

The Permittee shall ensure that the Plan is submitted to the commissioner and other parties as follows:

- (A) For all Locally Exempt Projects with greater than one acre of soil disturbance, the Permittee shall submit an electronic copy of the Plan and a completed Registration Form to the commissioner.
- (B) For Locally Approvable projects, the permittee shall provide an electronic copy of the Plan and a completed Registration Form to the commissioner. In addition, a completed Registration Form for this general permit shall be submitted to the following persons immediately upon request:
 - (i) The municipal planning commission, zoning commission and/or inland wetlands agency, or its respective enforcement officer or designated agent; and
 - (ii) In the case of a stormwater discharge through a municipal separate storm sewer system, the municipal operator of the system; and
 - (iii) In the case of a stormwater discharge located within a public drinking water supply watershed or aquifer area, the water company responsible for that water supply.

DO NOT SUBMIT any information that does not pertain to stormwater management or erosion and sediment control (such as electrical and lighting plans, boundary or lot surveys, building plans, non-stormwater related detail sheets, etc.). Any plans stamped “not for construction” will not be accepted.

(c) Reporting and Record Keeping Requirements

(1) Record Keeping

- (A) For a period of at least five years from the date the Notice of Termination is accepted by the Commissioner, the permittee shall retain copies of the Plan and all reports required by this general permit, and records of all data used to complete the registration for this general permit, unless the commissioner specifies another time period in writing.
- (B) The permittee shall retain an updated copy of the Plan required by this general permit at the construction site from the date construction is initiated at the site until the date construction at the site is completed.
- (C) Inspection records must be retained as part of the Plan for a period of five (5) years after the date of inspection. In addition, the following inspection reports shall be kept on-site with the Plan and shall be submitted to the Commissioner upon request:
 - (i) Plan Implementation Inspections conducted in accordance with Section 5(b)(4)(A) and recorded on checklist forms prepared pursuant to Section 5(b)(1)(B)(vi)(a).
 - (ii) Routine Inspections conducted in accordance with Section 5(b)(4)(B) and recorded on checklist forms prepared pursuant to Section 5(b)(1)(B)(vi)(b).

(D) Plan Modification

Plan modifications made pursuant to Section 5(b)(5) of this general permit and any documentation associated with such modification shall be kept on-site with the Plan.

(2) Reporting

(A) The reports specified in this section shall be provided to the Commissioner within the timeframe specified in any request by the Commissioner, and if no timeframe is specified, no later than thirty (30) days after the date of any such request. If requested by the Commissioner, the reports shall be submitted to the Commissioner using NetDMR in the manner specified in subsection (B), below.

(B) NetDMR Reporting

The permittee shall submit all reporting of inspections, Plan updates or other reporting electronically using NetDMR, a web-based tool that allows Permittees to electronically submit stormwater reports through a secure internet connection. Unless otherwise approved in writing by the commissioner, no later than thirty (30) days after authorization under this permit the Permittee shall begin reporting electronically using NetDMR. Specific requirements regarding subscription to NetDMR and submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

(i) Submittal of NetDMR Subscriber Agreement

At or before the time the Permittee submits a registration for this permit, the Permittee and/or the person authorized to sign the Permittee's reports ("Signatory Authority") as described in RCSA Section 22a-430-3(b)(2) shall contact the Department at deep.netdmr@ct.gov and initiate the NetDMR subscription process for electronic submission of Stormwater Report information. Information on NetDMR is available on the Department's website at www.ct.gov/deep/netdmr. On or before the date of authorization under this permit the Permittee shall submit a signed and notarized copy of the *Connecticut DEEP NetDMR Subscriber Agreement* to the Department.

(ii) Submittal of Reports and other documents Using NetDMR

Unless otherwise approved by the commissioner, on or before thirty (30) days following authorization under this permit, the Permittee and/or the Signatory Authority shall electronically submit reports and any other documents required under this permit or by request of the Commissioner to the Department using NetDMR in satisfaction of the requirements of Section 5(c)(2)(A) of this permit.

Reports shall be submitted electronically to the Department no later than fifteen (15) days following the completed reporting period. NetDMR is accessed from: <http://www.epa.gov/netdmr>.

(iii) Submittal of NetDMR Opt-Out Requests

If the Permittee is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for electronically submitting reports, the commissioner may approve an alternative for the submission of reports. Any such request shall be submitted in writing to the Department for written approval on or before the Permittee's date of permit authorization. This demonstration

shall be valid for twelve (12) months from the date of the Department's approval and shall thereupon expire. At such time, reports shall be submitted electronically to the Department using NetDMR unless the Permittee submits a renewed request for an alternative and such request is approved by the Department.

All requests under this provision and requests for the NetDMR subscriber form should be sent to the following address or by email at deep.netdmr@ct.gov:

Attn: NetDMR Coordinator
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

(d) Regulations of Connecticut State Agencies Incorporated into this General Permit

The permittee shall comply with sections 22a-430-3 and 22a-430-4 of the Regulations of Connecticut State Agencies which are hereby incorporated into this general permit, as if fully set forth herein.

(e) Reliance on Registration

In evaluating a registration submitted under this general permit, the commissioner has relied on information provided by the registrant. If such information proves to be false or incomplete, any authorization reliant on such information may be suspended or revoked in accordance with law, and the commissioner may take any other action authorized by law.

(f) Duty to Correct and Report Violations

Upon learning of any violation of this general permit, including, but not limited to, any failure to follow the Plan or any adverse impacts on wetlands or waters a permittee shall immediately cease all construction activities and take all reasonable action to determine the cause of such violation, return to compliance, correct and mitigate the results of such violation, and prevent such violation from recurring. Construction activities shall not recommence until such reasonable action(s) have been taken and such violation and/or adverse impacts have been corrected and compliance has been restored. The permittee shall ensure that any violations of the terms and conditions of the general permit, including but not limited to, the Plan, identified during an inspection or at any other time, that result in the potential to discharge pollutants to waters of the state are reported to the commissioner within two (2) hours of discovery, or, for those violations discovered outside normal business hours, at the start of the next business day. Violations shall be reported to the DEEP stormwater staff at deep.stormwaterstaff@ct.gov and by calling (860) 424-3025. Furthermore, within five (5) days of discovery of a violation, the Permittee shall prepare and submit to the commissioner a written report signed by the Permittee, which documents the cause of the violation, duration including dates and times, and corrective action taken to address the violation and any action taken or planned to prevent future occurrences. Such information shall be filed in accordance with Section 5(h) of this general permit, "Certification of Documents".

In addition, nothing in this section shall affect any other action the commissioner is authorized to take regarding a violation of this general permit.

(g) Duty to Provide Information

The commissioner may request any information pertinent to the construction activity or concerning the Permittee's compliance with this general permit. If requested, the permittee shall provide any such information within fifteen (15) days of such request or other time period as may be specified in writing by the commissioner.

(h) *Certification of Documents*

Unless otherwise specified in this general permit, any document, including but not limited to any notice, information or report, which is submitted to the commissioner under this general permit shall be signed by 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 thereto, and I 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. I understand that a false statement made in this document or its attachments may be punishable as a criminal offense, in accordance with section 22a-6 of the Connecticut General Statutes, pursuant to section 53a-157b of the Connecticut General Statutes, and in accordance with any other applicable statute.”

(i) *Date of Filing*

For purposes of this general permit, the date of filing with the commissioner of any document is the date such document is received by the commissioner. The word "day" as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

(j) *False Statements*

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with section 22a-6 of the Connecticut General Statutes, pursuant to section 53a-157b of the Connecticut General Statutes.

(k) *Correction of Inaccuracies*

Within fifteen (15) days after the date a permittee becomes aware of a change in any information submitted pursuant to this general permit, or becomes aware that any such information is inaccurate or misleading or that any relevant information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be filed in accordance with the certification requirements prescribed in Section 5(h) of this general permit.

(l) *Transfer of Authorization*

Any authorization issued by the commissioner under this general permit is transferable only in accordance with the provisions of section 22a-6o of the General Statutes. Any person or municipality proposing to transfer any such authorization shall submit a license transfer form to the commissioner. For state projects, the Permittee must be contractually authorized to conduct the transfer. The transferee is not authorized to conduct any activities under this general permit until the transfer is approved by the commissioner. The transferee may adopt by reference the Plan developed by the transferor. The transferee shall update the Plan as required by Section 5(b)(5) of this general permit, “Keeping Plans Current”.

(m) Other Applicable Requirements

Nothing in this general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state and local requirements, including but not limited to the obligation to obtain any other required authorizations or licenses.

(n) Other Rights

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or construction activity affected by such general permit. In conducting any construction activity authorized hereunder, the permittee shall not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

Section 6. Termination Requirements

(a) Notice of Termination

At the completion of a construction project the Permittee shall submit a Notice of Termination in accordance with the requirements of this section. A project shall be considered complete after all post-construction measures are installed, cleaned, functioning, and inspected and the site has achieved final stabilization and inspection (see Sections 5(b)(4)(C) & (D) of the general permit, respectively) for at least one full growing season (i.e. April through October) in the year following the cessation of construction activities. Final stabilization must be achieved for all phases of construction, and for solar projects, any additional requirements in Appendix I complied with, before a Notice of Termination may be submitted.

(b) Termination Form

A Notice of Termination shall be filed on forms prescribed and provided by the commissioner and shall include the following:

- (1) The permit number as provided to the permittee on the permit certificate;
- (2) The name of the registrant as reported on the general permit registration form (DEEP-PED-REG-015), or if a license transfer has been approved by the commissioner, the name of the permittee on a license transfer form;
- (3) The address of the completed construction site;
- (4) The dates when:
 - (A) Construction was completed;
 - (B) All storm drainage structures were cleaned of construction debris pursuant to the "Other Controls" section (subsection 5(b)(2)(D)) of this general permit;
 - (C) The post-construction inspection was conducted pursuant to Section 5(b)(4)(C);
 - (D) The final stabilization inspection was conducted pursuant to Section 5(b)(4)(D).
- (5) A description of the post-construction activities at the site; and

(6) Signatures of:

(A) The permittee; and

(B) The person who conducted the post-construction inspection pursuant to Section 5(b)(4)(C) of the general permit.

(C) The person who conducted the final stabilization inspection pursuant to Section 5(b)(4)(D) of the general permit.

(c) *Where to File a Termination Form*

A termination form shall be filed with the commissioner at the following address:

CENTRAL PERMITS PROCESSING UNIT
BUREAU OF MATERIALS MANAGEMENT & COMPLIANCE ASSURANCE
DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

Section 7. Commissioner's Powers

(a) *Abatement of Violations*

The commissioner may take any action provided by law to abate a violation of this general permit, including but not limited to penalties of up to \$25,000 per violation per day under Chapter 446k of the Connecticut General Statutes, for such violation. The commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with sections 22a-3a-2 through 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the commissioner by law.

(b) *General Permit Revocation, Suspension, or Modification*

The commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

(c) *Filing of an Individual Permit Application*

If the commissioner notifies a permittee in writing that such permittee must obtain an individual permit, the permittee shall file an application for an individual permit within thirty (30) days of receiving the commissioner's notice or such other time that the commissioner specified in the notice to the permittee. While such application is pending before the commissioner, the permittee shall continue to comply with the terms and conditions of this general permit. Nothing herein shall affect the commissioner's power to revoke a permittee's authorization under this general permit at any time.

Issued:

December 21, 2020

Katherine S. Dykes

Katherine S. Dykes
Commissioner