

General Permit for Coastal Maintenance

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General Permit for Coastal Maintenance

Section 1. Authority

This general permit is issued under the authority of section 22a-361(d) of the General Statutes.

Section 2. Definitions

As used in this general permit:

“Adverse impacts on coastal resources” means adverse impacts on coastal resources as defined by section 22a-93(15) of the General Statutes.

“Ancillary structures” means structures which facilitate boating access or support including utility lines such as fuel, waste, water, electric and cable, and berthing devices such as bollards, cleats, dock hooks, fenders and davits.

“Approval of registration” means an approval of registration issued under Section 4 of this general permit.

“Authorized activity” means any activity authorized by this general permit.

“Backflow prevention structure” means a device such as a flap gate or duck bill that allows water to drain out from a closed water discharge system and prevents backflow of tidal water into a closed water discharge system.

“Beach grading” means the redistribution and regrading of on-site beach sand between mean low water and the coastal jurisdiction line without the nourishment or addition of any off-site beach sand or other material.

“Beach raking” means the use of motorized equipment and any associated implements on a beach below the coastal jurisdiction line for the purpose of removing macroalgae, stones, shells or other natural or unnatural debris.

“Boat launch infrastructure” means boat launch ramps, docks, gangways, approaches, aprons, drainage structures, erosion control, pavement or any other structures or features associated with the launching of vessels at public boat launch facilities.

“Boating access or support” means moorings, fixed or floating docks, gangways or piles specifically utilized for the following recreational activities: berthing, accessing, loading, repairing, launching, hauling, fueling or discharging waste from boats.

“Catch basin” means a stormwater system structure in which grit, sand, sediment or debris is collected.

“Catch basin cleaning” means removal of grit, sand, sediment or debris from a catch basin by use of a vacuum, backhoe, shovel, or other device.

“Closed water discharge system” means a piping system that discharges stormwater

originating from an upland area to an area below the coastal jurisdiction line and is not connected on the landward side to any tidal wetlands.

“Coastal habitat creation” means to bring into existence a habitat that was not historically supported at the site in question including the conversion of an existing habitat in favor of a new habitat.

“Coastal habitat enhancement” means the intentional alteration of a habitat to improve one or a very limited number of functions of the existing habitat type.

“Coastal jurisdiction line” means coastal jurisdiction line as defined by section 22a-359(c) of the General Statutes.

“Coastal resources” means coastal resources as defined by section 22a-93(7) of the General Statutes.

“Coastal restoration activities” means the intentional alteration of a site to reestablish the approximate biogeophysical conditions that existed in the predisturbance ecosystem or habitat and, for the purposes of this general permit, shall include coastal habitat creation and coastal habitat enhancement. Such activities include, but are not limited to, open marsh water management activities, ditching, pond creation, raising marsh surface elevation, mowing, planting, removal of vegetation, the placement, repair or removal of tide regulating structures, and the installation or repair of fish bypass systems.

“Commissioner” means commissioner as defined by section 22a-2(b) of the General Statutes.

“Cultch” means a substrate appropriate for larval oyster attachment, consisting of gravel or shell material.

“Day” 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.

“Department” means the department of energy and environmental protection.

“Department of Energy and Environmental Protection maintenance activities” means repair or replacement of certain appurtenances and facilities associated with the launching or retrieving of boats at State launches.

“Department of Transportation maintenance activities” means rehabilitation, repair, replacement of state-owned and maintained transportation infrastructure and appurtenances such as highways, roadways, bridges, and railways, and associated supporting and protective structures integral to the use and functionality of such infrastructure including, but not limited to, temporary accessways, stormwater-related structures, bridge piers, decks and abutments, mechanical, electrical or operational structures or workhouses.

“Derelict structure” means any flotsam, structure or vessel, or component thereof, that has been abandoned or deserted, is no longer capable of functioning as intended, or is impeding navigation.

“Dock” means an elevated or floating structure comprised of an open fixed pile-supported pier, gangway, or float, or any part or combination thereof, including all associated previously authorized boating-related appurtenances or features including but not limited to piles or pile clusters, boatlifts, utilities, or wave-attenuating devices.

“Individual permit” means a permit or certificate of permission issued to a named permittee under section 22a-361, section 22a-363b, or 22a-32 of the General Statutes.

“Existing inhabited structure” means a house, dwelling, or abode which was in use prior to the effective date of this general permit.

“FEMA” means the Federal Emergency Management Agency.

“FEMA standards” means municipal flood hazard or floodplain ordinances or regulations, approved by FEMA to allow participation of the municipality in the National Flood Insurance Program under the provisions of 44 CFR parts 59 and 60.

“Intertidal flats” means intertidal flats as defined by section 22a-93(7)(D) of the General Statutes.

“Harbormaster” means a harbormaster or deputy harbormaster appointed pursuant to section 15-1 of the General Statutes.

“Licensed shellfish operator” means a person licensed by the commissioner of agriculture to take, harvest, cultivate, produce oysters or other shellfish pursuant to Chapter 491 of the General Statutes.

“Marina boundary” means an area within which reconfiguration activities may occur and which has been established by the commissioner by connecting with straight lines the terminating point of existing authorized in-water boating-access structures including fixed or floating docks, gangways and piles, but excluding dredge footprints, vessels, mooring buoys, navigational markers and property lines.

“Marina reconfiguration” means the placement, replacement, removal or relocation of moorings, fixed or floating docks, piles, ladders, gangways, or finger piers and ancillary structures within an established marina boundary for boating access or support or for seasonal storage of such structures subject to the conditions of this general permit.

“Mean high water” means the average of all high water heights observed over the National Tidal Datum Epoch.

“Mean low water” means the average of all low water heights observed over the National Tidal Datum Epoch.

“Mooring boundary” means an area within which reconfiguration activities may occur and which is established by the commissioner by connecting with straight lines the perimeter of

existing in-water mooring buoys, but excluding dredge footprints, vessels, mooring swing radii, navigational markers, and property lines.

“Mooring reconfiguration” means the placement, replacement, removal or relocation moorings, within an established mooring boundary for boating access or support, exclusive of fixed and floating docks.

“Municipality” means a city, town or borough of the state.

“Non-commercial” means a structure which is (1) not rented and no other charge by the permittee is made for its use or maintenance; and (2) is not operated, maintained, or used by any for-profit entity.

“Order” means any consent order, removal order, cease and desist order, or any other enforcement action taken by the commissioner under authority of sections 22a-6, 22a-7, 22a-108, 22a-178, 22a-181, 22a-225, 22a-428, 22a-430, 22a-431, 22a-432, 22a-433, or 22a-449 of the General Statutes, or under any authority available by law or any enforcement action taken by the U.S. Army Corps of Engineers (“Corps”) or the U.S. Environmental Protection Agency (“EPA”); or any order entered by a state or federal court of competent jurisdiction pursuant to an enforcement action taken by the commissioner, the Corps, or EPA.

“Permittee” means any person or municipality to which the commissioner has issued an approval of registration under this general permit.

“Person” means person as defined by section 22a-2(c) of the General Statutes.

“Prior authorization” means a permit, certificate of permission, or approval of general permit registration issued by the State of Connecticut under section 22a-32, 22a-361, 22a-361(d), or 22a-363b of the General Statutes which was issued before the date of submission of a registration under this general permit.

“Registrant” means a person who or municipality which files a registration pursuant to Section 4 of this general permit.

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

“Remedial activity” means any dredging, construction, placement of fill, obstruction or encroachment or work incidental thereto, or any other work the purpose of which is to restore a site or habitat to its natural condition, to correct a violation of law, to remove an unauthorized structure, fill, obstruction or encroachment, or to conduct remediation as defined by section 22a-133k-1 of the Regulations of Connecticut State Agencies.

“Removal of derelict structure” means the physical removal of derelict structures using hand-held tools or mechanical equipment.

“Repointing” means filling by hand, using hand-held equipment, cracks or weak spots in a seawall with mortar or small stones without increasing the waterward encroachment of the

seawall.

“*Seawall*” means any dry stone or concrete structure, including bulkheads, retaining walls and riprap revetments, the purpose or effect of which is to prevent upland materials from slumping or otherwise entering the area waterward of the coastal jurisdiction line. The term does not include steel, timber, or plastic sheet pile, railroad ties or concrete blocks.

“*Site*” means geographically contiguous land or water on which an authorized activity takes place or on which an 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 and connected by a right-of-way which such person controls and to which the public does not have access shall be deemed the same site.

“*Skim coating*” means, a layer of coating, applied by hand using hand-held equipment, to the face of a seawall not exceeding one inch in thickness.

“*Temporary access of construction vehicles or equipment*” means operation of construction vehicles or heavy equipment, including active equipment or material loading or off-loading via barge, within areas below the coastal jurisdiction line for the purposes of accessing, supporting, or conducting work above the coastal jurisdiction line and otherwise unregulated pursuant to section 22a-361 of the General Statutes.

“*Tidal wetlands*” means wetland as defined by section 22a-29(2) of the General Statutes.

“*Watercourse*” means watercourse as defined by section 22a-38 of the General Statutes.

Section 3. Authorization Under This General Permit

(a) Eligible Activities

Provided the requirements of Section 3(b) of this general permit are satisfied, this general permit authorizes the following activities:

- (1) establishment of a marina boundary and reconfiguration within such boundary, or the establishment of a mooring boundary and reconfiguration within such boundary;**
- (2) remedial activities which have been required by an order as defined in this general permit;**
- (3) modification of an existing inhabited structure which is located in whole or in part waterward of the coastal jurisdiction line and landward of mean high water for the purposes of conforming such structure to FEMA standards;**
- (4) reconstruction of a legally existing structure, obstruction or encroachment which was installed pursuant to a prior authorization and which exists in a serviceable state; and (b) removal of debris and reconstruction of a legally existing structure, obstruction or encroachment which has been damaged or destroyed by a casualty loss**

not more than one calendar year prior to the date of submission of the registration required in Section 4(a) of this general permit;

(5) maintenance activities performed on certain existing Department of Transportation infrastructure as follows:

- (A) Bridge Deck Drains.** Repair, rehabilitation, replacement and cleaning of bridge deck drains, scuppers and weeps, including the removal of accumulated sediment;
- (B) Bridge Painting.** Preparation of steel and painting including the placement of containment devices upon bridges;
- (C) Bridge Mechanical, Electrical and Operational Repairs.** Rehabilitation or replacement of appurtenances necessary for bridge safety and operation including lighting, fixtures, mechanical or electrical rooms or boxes, catenary support and wires, and signals and signal boxes;
- (D) Bridge Superstructure.** Rehabilitation, rinsing, repair or replacement of bridge superstructure components such as steel or timber members, plates or hardware, or bridge bearings, or the full bridge superstructure;
- (E) Bridge Decks.** Repair, rehabilitation or replacement of bridge decks membrane and bituminous wearing surfaces, joints, rails, ties, and fencing or other protective systems;
- (F) Bridge Supports.** Repair concrete superstructure or substructure elements including spalling, repointing or grouting of concrete, repairs to the joints, and application of protective coating;
- (G) Bridge Scour.** Manually placing grout bags within or immediately adjacent to the footprint of bridge substructure;
- (H) Walls and Abutments.** Repair of concrete wingwalls, endwalls or bridge abutments and pipe repair or replacement of such structures associated with such necessary wingwall, endwall or abutments;
- (I) Pipes and Culverts.** Removal of pipes and culverts, including the creation of open channels associated with the removal of such pipes and culverts;
- (J) Outlet Protection.** Repair, rehabilitation or expansion of an existing splash pad or plunge pool associated with an existing stormwater outfall or the installation of a new splash pad or plunge pool associated with the removal of a pipe or culvert;
- (K) Shoreline Protection.** Repair of previously protected shorelines

including riprap and stone armoring including shaping, regrading, placement of bedding material and riprap or armor stone to the pre-existing contours, and repair of seawalls to pre-existing conditions including repointing, patching, resetting stones, and applying a skim coat to the face of the seawall;

- (L) **Access.** Installation and use of low-impact temporary access structures including scaffolding, low ground pressure equipment, elevated trestle, scaffolding, ladders, and construction mats; and
- (M) **Rail Infrastructure.** Repair, rehabilitation or replacement of ballast, ties, rails, catenary towers and wires, signal cable tray, signal conduits, signal box and foundation, and electrical substations.

- (6) **beach grading or beach raking conducted in the area between mean low water and the coastal jurisdiction line;**
- (7) **removal of derelict structures;**
- (8) **placement of cultch;**
- (9) **minor repair to seawalls including patching concrete, repointing mortar between stones, resetting fallen stones and applying a skim coat to the face of the seawall;**
- (10) **catch basin cleaning;**
- (11) **repair or replacement of a backflow prevention structure on a closed water discharge system;**
- (12) **coastal restoration activities including coastal habitat creation and coastal habitat enhancement;**
- (13) **temporary access of construction vehicles or equipment; and**
- (14) **maintenance activities performed on certain existing Department of Energy & Environmental Protection boat launch infrastructure as follows:**
 - (A) **repair, replacement or repositioning of concrete planks, concrete panels, or interlocking blocks;**
 - (B) **repair or replacement of bituminous concrete;**
 - (C) **replacement or removal of gravel, stone or riprap material; and**
 - (D) **repair of trench drains, drainage systems, or erosion protection.**

Any discharge of water, substance or material into the waters of the state other than

the one specified in this section is not authorized by this general permit, and any person who or municipality which initiates, creates, originates or maintains such a discharge must apply for and obtain authorization under section 22a-430 of the General Statutes prior to the occurrence of such discharge.

(b) Requirements for Authorization

This general permit authorizes each of the activities listed in Section 3(a) of this general permit provided:

(1) Registration

A completed registration with respect to the activities identified in Section 3(a)(1), 3(a)(2), or 3(a)(3) of this general permit has been filed with the commissioner and the commissioner has issued an approval of registration with respect to such activity.

Or

A completed registration with respect to the activities identified in Section 3(a)(4) of this general permit has been filed with the commissioner.

Or

No registration is required with respect to activities identified in Section 3(a)(5) through Section 3(a)(14) of this general permit.

(2) Coastal Area Management

Such activity is consistent with all-applicable goals and policies in section 22a-92 of the General Statutes, and will not cause adverse impacts to coastal resources as defined in section 22a-93 of the General Statutes.

(3) Endangered and Threatened Species

Such activity does not threaten the continued existence of any species listed pursuant to section 26-306 of the General Statutes and will not result in the destruction of adverse modification of habitat designated as essential to such species.

(4) Aquifer Protection

Such activity, if it is located within an aquifer protection area as mapped under section 22a-354b of the General Statutes, complies with regulations adopted pursuant to section 22a-354i of the General Statutes.

(5) Conservation and Preservation Restrictions

Such activity, if located on or may affect property subject to a conservation or preservation restriction, complies with section 47-42d of the Connecticut General Statutes, by providing the following to the commissioner: proof of written notice to the holder of such restriction of the proposed activity's registration pursuant to this general permit or a letter from the holder of such

restriction verifying that the proposed activity is in compliance with the terms of the restriction.

(6) Flood Management

Such activity shall be consistent with all applicable standards and criteria established in sections 25-68d(b) of the General Statutes and sections 25-68h-1 through 25-68h-3, inclusive, of the Regulations of Connecticut State Agencies.

(c) *Geographic Area*

This general permit applies throughout the tidal, coastal and navigable waters of the State of Connecticut and, where not explicitly disallowed, in tidal wetlands.

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

This general permit is effective on the date it is issued by the commissioner and expires twenty (20) years from such date of issuance.

(e) *Effective Date of Authorization*

Any activity identified in section 3(a)(1), 3(a)(2) and 3(a)(3) of this general permit is authorized by this general permit on the date the commissioner issues a written approval of registration with respect to such activities.

Any activity identified in Section 3(a)(4) of this general permit is authorized on the date the commissioner receives a completed registration with respect to such activity which meets the requirements of Section 4 of this general permit.

Any activity identified in Sections 3(a)(5) through 3(a)(14) of this general permit is authorized by this general permit effective on the date this general permit becomes effective, or on the date the activity is initiated, whichever is later.

(f) *Transition to and from an Individual Permit*

No person shall operate or conduct an activity authorized by both an individual permit and this general permit. The requirements for transitioning authorization are as follows:

(1) *Transition from an Individual Permit to Authorization under this General Permit.* If an activity meets the requirements of authorization of this general permit and such operation or activity is presently authorized by an individual permit, the permittee may seek a modification to the permit to exclude such operation or activity from the individual permit or if the operation or activity is the sole operation or activity authorized by such permit, the permittee shall surrender its permit in writing to the commissioner. In either event, such permittee's individual permit shall continue to apply and remain in effect until authorization of such operation or activity under this general permit takes effect.

(2) *Transition from Authorization under this General Permit to an Individual Permit* If an activity or operation is authorized under this general permit and the commissioner subsequently issues an individual permit for the same activity,

then on the date any such individual permit is issued by the commissioner, the authorization issued under this general permit shall automatically expire.

Section 4. Registration Requirements

(a) Who Must File a Registration

Any person or municipality seeking under the authority of this general permit to conduct work set forth in Section 3(a)(1) through 3(a)(4) of this general permit, shall file with the commissioner:

- (1) A registration form which meets the requirements of Section 4 of this general permit; and
- (2) The applicable fee.

(b) Scope of Registration

A registrant shall register each activity for which the registrant seeks authorization under this general permit on a separate registration form.

(c) Contents of Registration

- (1) Fees

(A) Fee Schedule

- i. For work pursuant to Sections 3(a)(1) and 3(a)(2) of this general permit, the registration fee of \$700.00 shall be submitted with a registration form.
- ii. For work pursuant to Section 3(a)(3) of this general permit, the registration fee of \$100.00 shall be submitted with the registration form.
- iii. For work pursuant to Section 3(a)(4) of this general permit, above, the registration fee of \$300.00 shall be submitted with the registration form.
- iv. The registration shall not be deemed complete and no activity shall be authorized by this general permit unless the registration fee has been paid in full.
- v. The registration fee shall be paid by check or money order payable to the **Department of Energy and Environmental Protection**.

(B) The registration fee is non-refundable.

- (2) Registration Form

A registration shall be filed on forms prescribed and provided by the commissioner.

(d) Where to File a Registration and Other Related Documents

A registration shall be filed with the commissioner at the following address:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

(e) Notification of Harbor Management Commission

Where applicable, a copy of the registration shall be submitted to the harbor management commission in the town where the work is proposed at the time the registration is filed with the commissioner.

(f) Additional Information

The commissioner may require a registrant to submit additional information, which the commissioner reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit.

(g) Action by Commissioner

- (1) The commissioner may reject without prejudice a registration if it is determined that it does not satisfy the requirements of Section 4(c) of this general permit or more than thirty (30) days have elapsed since the commissioner requested that the registrant submit additional information or the required fee and the registrant has not submitted such information or fee. Any registration refiled after such a rejection shall be accompanied by the fee specified in Section 4(c)(1) of this general permit.
- (2) The commissioner may disapprove a registration if it is found that the subject activity is inconsistent with the requirements for authorization under Section 3 of this general permit, or for any other reason provided by law.
- (3) Disapproval of a registration under this subsection shall constitute notice to the registrant that the subject activity may not lawfully be conducted or maintained without the issuance of an individual permit.
- (4) The commissioner may approve a registration with reasonable conditions. If the commissioner approves a registration with conditions, the permittee shall be bound by such conditions as if they were a part of this general permit.
- (5) Rejection, disapproval, or approval of a registration shall be in writing.

Section 5. Conditions of This General Permit

The permittee shall at all times continue to meet the requirements for authorization set forth in Section 3 of this general permit. In addition, a permittee shall assure that activities authorized by this general permit are conducted in accordance with the following conditions:

(a) *Special Conditions for MARINA AND MOORING FIELD RECONFIGURATION authorized in Section 3(a)(1) of this general permit.*

- (1) Registrant for such reconfiguration is a yacht club or marina whose slips are entirely open for public use by membership or rental.
- (2) Such activities are not located on or over tidal wetlands or intertidal flats.
- (3) Such activities do not increase the number of berthing or mooring slips at the facility by more than 5% in any calendar year.
- (4) Such activities and any vessels berthed or moored to such reconfigured structures or moorings shall not interfere with the access to any riparian or littoral property and shall be placed and maintained within any established marina or mooring field boundary.
- (5) Prior to any such reconfiguration, the registrant must demonstrate that all regulated in-water structures are authorized by the State and are in compliance with such authorizations, as applicable.
- (6) Such activities shall include only structures used for boating access or support. Such activities shall not include structures such as offices, residences, restaurants, concessions, gazebos, viewing platforms, workshops, patios, or storage facilities, or other walled or roofed structure such as attendant shed, marina office, or other building.
- (7) Such activities shall not include the construction, installation, relocation, or modification of any wave-attenuating structures.
- (8) Such activities shall not include the construction or installation of any docks wider than the widest docks of the similar function previously authorized nor shall it include the installation of any gangways wider than the widest gangways previously authorized.
- (9) Such activities shall not include dredging, the placement of fill, or the installation of other structures not specifically authorized herein, including but not limited to seawalls, riprap, bulkheads, and travel lifts.
- (10) The placement of fixed piers or floating docks within any mooring boundary is prohibited under this general permit.
- (11) Any fixed piers or floating docks, in a marina boundary, shall be constructed in a manner that does not unreasonably restrict access to or along lands and waters waterward of mean high water.
- (12) Any fixed piers or floating docks, in a marina boundary, shall be designed to allow most wave and water current energy to pass through or under such

structure.

- (13) Any fixed pier, in a marina boundary, shall utilize the minimum number of pilings necessary, consistent with safety and resource protection considerations, and where feasible shall utilize large spans on fewer pilings rather than smaller spans on more pilings.
- (14) The permittee shall notify the commissioner of the commencement of any work authorized by the approval of registration no later than three days before commencing such work and shall notify the commissioner in writing of the completion of such work no later than seven days after such completion.

(b) *Special Conditions for REMEDIAL ACTIVITIES authorized in Section 3(a)(2) of this general permit.*

- (1) Such remedial activity has been required under an order as defined in Section 2 of this general permit requiring the permittee to conduct such remedial activity.
- (2) The permittee shall notify the commissioner of the commencement of any work authorized by the approval of registration no later than three days before commencing such work and shall notify the commissioner in writing of the completion of such work no later than seven days after such completion.

(c) *Special Conditions for RESIDENTIAL FLOOD HAZARD MITIGATION authorized in Section 3(a)(3) of this general permit.*

- (1) Prior to the commencement of work, the registrant shall obtain all other legally required authorizations applicable to such activity, including without limitation a building permit issued pursuant to section 8-3 of the General Statutes, a coastal site plan approval pursuant to sections 22a-105, 22a-106, or 22a-109 of the General Statutes, or a variance issued pursuant to section 8-6 of the General Statutes.
- (2) The sole purpose and effect of such activity is to conform an existing inhabited structure with applicable FEMA standards. Such activity may include, without limitation, elevating the subject structure and installing break-away walls, or other activities consistent with residential floodproofing standards.
- (3) No activity authorized herein shall result in the conversion of a dwelling from seasonal to year-round use, or in any other expansion or alteration of use of the subject structure.
- (4) Such activity shall not be construed as authorizing the construction or maintenance of any shoreline flood and erosion control structure as defined by section 22a-109(c) of the General Statutes.
- (5) Such activity does not create any further waterward encroachment of any structure, or the expansion of the subject structure's floor area, living space, or the addition of appurtenances such as decks or porches.

- (6) Such activity is not located waterward of mean high water or on or over tidal wetlands.
- (7) The registrant shall comply with the standards and requirements set forth in section 25-68b through 25-68h of the General Statutes, as applicable.

(d) *Special Conditions for RECONSTRUCTION authorized in Section 3(a)(4) of this general permit.*

- (1) Such reconstruction is limited to the reconstruction of a structure, obstruction or encroachment which has been the subject of a prior authorization. This authorization explicitly does not apply to “grandfathered” or previously unauthorized structures that exist without the benefit of a prior authorization.
- (2) Unless otherwise authorized in writing by the commissioner, such reconstruction activity shall be in-kind and in-place conforming to the siting, layout, design, materials and structural components as set forth in the prior authorization. The permittee shall not deviate from said authorization without prior written approval of the Commissioner.
- (3) Such reconstruction shall be conducted in accordance with the requirements for authorization set forth herein and in accordance with any applicable terms and conditions set forth in the prior authorization.
- (4) Prior to any reconstruction activity, the permittee shall obtain site plans signed and sealed by a professional engineer or land surveyor licensed in the State of Connecticut showing both the pre-construction site conditions and structures and the proposed site conditions and structures.
- (5) The contractor(s) shall, whenever work is being performed, maintain a copy of the plans referenced above on the work site and make such plans available for inspection.
- (6) Prior to any reconstruction activity, the permittee shall take site photographs documenting the pre-construction conditions.
- (7) Such reconstruction does not apply to any dredging, regrading, fill or any other activities which restore or modify grades, depths, slopes, contours, tidal elevations or property boundaries.
- (8) Such reconstruction does not apply to any groins or jetties.
- (9) Such reconstruction does not apply to overshooting of bulkheads.
- (10) Any reconstruction activity of flood and erosion control structures is prohibited in areas of tidal wetlands.
- (11) Any reconstruction activity of flood and erosion control structures which

increases the top elevation is prohibited.

- (12) Any reconstruction activity of docks that occur in areas of tidal wetlands shall be conducted such the lowest horizontal member of such fixed pier is no lower than five (5) feet off the surface of any underlying wetland areas, except if the previous authorization indicates such horizontal member is required to be constructed at a greater elevation.
- (13) Any reconstruction activity which proposes minor modifications or engineering improvements to flood and erosion control structures, without modifying the footprint of such structure, may be allowable provided that the permittee provides a narrative of such changes and a copy of the pre-construction and proposed site conditions plans with the registration filed pursuant to Section 4 of this general permit. Such modifications or improvements may include but are not limited to weep holes, footings, tie-backs, or returns. Approval for such modifications will be made at the sole discretion of the Commissioner and the permittee will be notified in writing of such decision.
- (14) Not later than five days prior to the commencement of work authorized herein, the permittee shall notify the commissioner of the commencement of work unless otherwise authorized by the commissioner.
- (15) Not later than 90 days after completion of any work authorized herein, the permittee shall prepare a Compliance Certification, a copy of which is attached to the registration form as Appendix A. Such Compliance Certification shall be completed by a professional engineer or land surveyor licensed in the State of Connecticut and shall be signed and sealed by such professional.
- (16) Not later than 120 days after completion of any work authorized herein, the permittee shall submit: (1) the Compliance Certification; (2) a copy of the pre-construction and post-construction plans; and (3) a copy of the pre-construction site photographs.
- (17) Such reconstruction shall be conducted only upon property owned by the permittee or the registrant shall submit written permission from the rightful property owner approving such activity with the registration filed pursuant to Section 4 of this general permit.

(e) *Special Conditions for DEPARTMENT OF TRANSPORTATION MAINTENANCE authorized in Section 3(a)(5) of this general permit.*

- (1) In conducting any Department of Transportation Maintenance activities, the permittee shall follow any applicable Best Management Practices, design manuals and materials specifications published, used or adopted by the Connecticut Department of Transportation.
- (2) In conducting the work authorized herein, the permittee shall not cause permanent impacts to tidal wetlands associated with the installation of temporary or permanent structures, staging, or storage.

- (3) In conducting any bridge painting, preparation or cleaning activities authorized herein, the permittee shall install and utilize proper containment that prevents discharges into coastal waters or wetlands. The permittee shall ensure the containment system is in optimal operating condition until the work authorized herein is completed.
- (4) Any debris associated with any activity authorized herein, including sediment or debris from drains, scuppers or weeps; residue from scraping, sandblasting, abrading or painting, shall be collected and disposed of at an approved upland site applicable for such debris.
- (5) This authorization specifically does not allow for the increase of additional stormwater flows from the structures authorized herein.
- (6) The permittee shall stage any barges employed to complete the work authorized herein such that no more than 50% of the channel beneath any bridge is impeded at any time.
- (7) Any debris containment systems employed by the permittee shall be designed so as to prevent impacts to navigation. Prior to commencement of work, the permittee shall obtain Advance Approval by the U.S. Coast Guard, when applicable.
- (8) The full superstructure replacement authorized herein shall not include the replacement of existing bridge piers or foundations or construction of new bridge piers or foundations, nor shall it include any expansion of the width of any superstructure that could increase the volume of stormwater associated with such work.
- (9) Unless otherwise authorized in writing by the commissioner, the permittee, prior to the commencement of any bridge scour repair, shall install turbidity curtains or other appropriate containment extending from the water surface to the substrate around the work area. Such curtains shall be maintained in optimal operating condition until project completion at which time the erosion and sediment controls shall be removed to an upland location.
- (10) Prior to the installation of any grout bags, the permittee shall consult with Department of Energy & Environmental Protection Inland Fisheries Division regarding necessary project modifications or restrictions to protect fisheries resources. Any such modifications or restrictions become binding.
- (11) The permittee shall install any grout bags by hand. Such grout bags shall be located within the footprint of the existing footing and shall not extend further than two feet from the face of such footing. Such grout bags shall be placed in such a manner that they do not pose any adverse impact to navigation or fish passage.
- (12) In conducting work to wingwalls, endwalls, abutments, pipes, culverts, outlet

protection, or other shoreline armoring the permittee shall work during periods of low flow and low tide so as minimize sedimentation and impacts to coastal resources.

- (13) In constructing any new outlet protection where a section of pipe has been removed, the permittee shall not exceed the area of the disturbance caused by the removal of the pipe.
- (14) In conducting shoreline protection projects authorized herein, riprap or armoring shall not exceed the footprint of the protection originally in-place and shall be at the same grade and slope.
- (15) Not later than 90 days subsequent to the completion of any shoreline protection project including rip rap, bedding material, or other shoreline armoring authorized herein, the permittee shall submit as-built drawings showing the project.
- (16) In conducting any riprap work, the permittee shall place such riprap to its full course thickness in one operation to produce a reasonably well-graded slope without causing displacement of the underlying bedding material.
- (17) Prior to the commencement of work authorized herein, the permittee has obtained approval from the commissioner from sections 25-68b through 25-68h, inclusive, of the General Statutes, and sections 25-68h-1 through 25-68h-3 of the Regulations of Connecticut State Agencies, inclusive, as applicable.
- (18) Where construction requires heavy equipment operation in wetlands, the equipment shall either have low ground pressure or it shall be placed on construction mats that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation. Construction mats are to be placed in the wetland from the upland or from equipment positioned on swamp mats if working within a wetland. Dragging construction mats into position is prohibited.
- (19) Not later than January 15 of any year following a year in which the Department of Transportation conducted work under this general permit, the permittee shall submit a Project Report to the commissioner. The Project Report shall specify which projects, and which components of such projects, were conducted under this general permit, and a summary of the total number of times in the reporting year that the Department of Transportation conducted work under this general permit.

(f) *Special Conditions for BEACH GRADING and BEACH RAKING authorized in Section 3(a)(6) of this general permit.*

- (1) Unless otherwise authorized in writing by the Commissioner, all beach grading work authorized herein is prohibited between April 1st and September 15th, inclusive, of any year in order to protect spawning horseshoe crabs and nesting and migrating shorebirds.
- (2) Unless otherwise authorized in writing by the Commissioner, any beach raking activity which uses motorized equipment or employs implements which

penetrate more than two inches is prohibited between May 10th and July 15th, inclusive, of any year in order to protect spawning horseshoe crabs. Surficial beach raking by hand may be conducted at any time.

- (3) Such beach grading or beach raking activities are not conducted in areas of tidal wetlands or intertidal flats.
- (4) All structures located at or waterward of the coastal jurisdiction line on the site where such activities are proposed are authorized through an individual permit of this department and are in full compliance with such permit.
- (5) Such beach grading or beach raking activities shall not be conducted in areas waterward of mean low water.
- (6) In conducting such beach grading or beach raking activities, the permittee shall not store, stage, or operate any equipment in-water at any time.
- (7) No work authorized herein shall impede access to any riparian or littoral property.
- (8) No work authorized herein shall take place on any leased or managed shellfish bed.
- (9) Any material including macroalgae, stones, shells or other natural or unnatural debris removed during beach raking activities shall be disposed of above the coastal jurisdiction line and outside of any tidal wetlands.

(g) Special Conditions for DERELICT STRUCTURES authorized in Section 3(a)(7) of this general permit.

- (1) Prior to the commencement of work authorized herein, the permittee must obtain written permission from the property owner if the permittee is not the property owner whereupon such activity is to be undertaken.
- (2) Prior to the commencement of work authorized herein, the permittee shall install either (a) siltation curtains or (b) floating turbidity booms, if necessary, around the work area. Such curtains or booms shall be maintained in optimal operating condition until the work is completed and the area has stabilized.
- (3) Such activity is prohibited between June 1st and September 30th, inclusive, of any year in order to protect spawning shellfish in the area unless otherwise authorized in writing by the commissioner.
- (4) Any such activity which occurs in the intertidal zone shall only be conducted during periods of low water.
- (5) Such activity shall not disturb, displace or destroy objects determined by the State of Connecticut Historic Commission to have historical significance.

(h) *Special Conditions for PLACEMENT OF CULTCH authorized in Section 3(a)(8) of this general permit.*

- (1) Such placement of cultch shall only be conducted by a licensed shellfish operator in beds or areas designated for shellfishing under section 26-194 or section 26-242 of the General Statutes.
- (2) Such placement of cultch shall be conducted only in appropriate locations for colonization by oysters, based upon factors of salinity, water quality, water circulation patterns and substrate composition.
- (3) Such placement of cultch shall not be conducted in areas of tidal wetlands or submerged aquatic vegetation beds.
- (4) Prior to the commencement of such placement of cultch, such licensed shellfish operator obtains all required authorizations from the Department of Agriculture Bureau of Aquaculture and Laboratory and the local shellfish commission, as applicable.
- (5) Prior to the commencement of such placement of cultch, such licensed shellfish operator obtains permission in writing from the owner or lessee of such shellfish bed or area.
- (6) Such placement of cultch shall be conducted in such a manner that it does not exceed a layer of cultch on the seafloor greater than 12” in depth.
- (7) Such placement of cultch shall be conducted such that the placement does not exceed 1,500 bushels per acre of seafloor.

(i) *Special Conditions for MINOR SEAWALL REPAIR authorized in Section 3(a)(9) of this general permit.*

- (1) Any minor seawall repair authorized herein may include patching concrete, repointing mortar between stones, resetting fallen stones, and applying a skim coating to the face of a seawall.
- (2) Any minor seawall repair authorized herein shall not include the waterward encroachment of the face of the existing wall nor shall it include a new footing waterward of the face of any existing footing.
- (3) Such seawall has been constructed in conformance with an individual permit issued by this department, or was installed prior to June 24, 1939, or installed in its entirety landward of mean high water prior to January 1, 1987, and has been continuously maintained and serviceable since such time.
- (4) No work authorized under this section shall consist of “substantial maintenance” as defined by 22a-363a of the General Statutes.
- (5) No work authorized herein shall measurably increase the height or extend any

lateral or waterward encroachment of the seawall.

- (6) Such seawall work shall only be conducted during periods of low water and shall be conducted by hand using hand-held equipment.

(j) *Special Conditions for CATCH BASIN CLEANING authorized in Section 3(a)(10) of this general permit.*

- (1) All waste resulting from the work authorized herein including but not limited to grit, sand, or other sediment or debris shall be removed from the area waterward of the coastal jurisdiction line and disposed of at an upland location in accordance with applicable law.
- (2) Sediment removal authorized herein shall not include removal of material located waterward of the waterward terminus of the pipe.
- (3) Activities such as flushing or power washing, or other similar activities that would create sedimentation or turbidity in the receiving waters is strictly prohibited.

(k) *Special Conditions for BACKFLOW PREVENTION STRUCTURES authorized in Section 3(a)(11) of this general permit.*

- (1) Such portion of the closed water discharge system has been constructed in conformance with an individual permit issued by this department, or was installed prior to June 24, 1939, or installed in its entirety landward of mean high water prior to January 1, 1987, and has been continuously maintained and serviceable since such time.

(l) *Special Conditions for RESTORATION ACTIVITIES authorized in Section 3(a)(12) of this general permit.*

- (1) Any restoration activities conducted under this authorization, except those consisting of the installation or repair of a fish bypass system, must be performed by, or under the direct supervision of, the department.
- (2) Any installation or repair of a fish bypass system which includes the removal or structural or functional modification of any dam, must be performed either by (a) the department; or (2) by a person who has consulted with department staff regarding project design and implementation. Any such person must implement recommendations made by department staff and shall retain a copy of such written consultation during construction at the construction site.
- (3) Any installation or repair of a fish bypass system which includes the removal or structural or functional modification of any dam, must have prior authorization under section 22a-403 of the General Statutes, as applicable.

(m) *Special Conditions for TEMPORARY ACCESS OF CONSTRUCTION*

VEHICLES OR EQUIPMENT authorized in Section 3(a)(13) of this general permit.

- (1) This authorization is only for active operation of vehicles or equipment. At no time shall such vehicles or equipment be stored below the coastal jurisdiction line.
- (2) No vehicles or equipment shall be operated within areas of tidal wetlands or below the mean low water line. No vehicles or equipment shall be operated in the water during periods of high water above the mean low water line.
- (3) No material including but not limited to fill, construction materials, excavated material or debris, shall be deposited, placed, or stored below the coastal jurisdiction line or within areas of tidal wetlands.
- (4) Any barges used for such work may only come ashore and be secured in place while actively loading or off-loading equipment and shall not be moored or spudded in place for longer than necessary for such loading or off-loading activities.
- (5) This authorization explicitly does not cover construction vehicles or equipment associated with work or other activities regulated pursuant to section 22a-361 or 22a-32 of the General Statutes.

(n) Special Conditions for MAINTENANCE OF DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION BOAT LAUNCH INFRASTRUCTURE authorized in Section 3(a)(14) of this general permit.

- (1) No work authorized herein shall occur in tidal wetlands.
- (2) Debris associated with any activity authorized herein shall be collected and disposed of at an approved upland site applicable for such debris.
- (3) Such maintenance activities are limited to boat launches which have been the subject of a prior authorization.
- (4) Such maintenance activities shall not include dredging or excavation of any sediments.
- (5) Except as may be explicitly authorized by the Commissioner, such maintenance activities shall be in-kind and in-place conforming to the siting, layout, design, materials and structural components as set forth in the prior authorization. Any riprap or armoring shall not exceed the footprint as was originally in-place and shall be to the same grade and slope.
- (6) Not later than January 15 of any year following a year in which the Department of Energy and Environmental Protection conducted work under this general permit, the permittee shall submit a Project Report to the commissioner. The Project Report shall specify which projects, and which components of such projects, were

conducted under this general permit, and a summary of the total number of times in the reporting year that the Department of Energy and Environmental Protection conducted work under this general permit.

(o) *General Construction and Use Conditions applicable to this General Permit.*

- (1) Prior to the commencement of any work authorized by this general permit or any approval of registration, the permittee shall provide copies of this general permit and any applicable approval of registration to any contractor employed to conduct such work and shall make such documents available for inspection at the site whenever work is being performed at the site.
- (2) No registrant or permittee shall initiate construction of any activity authorized herein prior to submission and approval of registration, as applicable, or prior to the submission of a Project Report, as applicable.
- (3) Any activity authorized herein shall be conducted in accordance with the site plans and drawings included with the approval of registration, as applicable.
- (4) Any barge utilized conducting any activity authorized herein, where allowed, shall not be stored over intertidal flats, submerged aquatic vegetation or tidal wetlands or in a location that interferes with navigation. In the event that any barge associated with the work authorized herein becomes grounded, no dragging or prop-dredging shall occur to free the barge.
- (5) Any activity authorized herein shall not be conducted such that it creates a hazard to or interferes with existing navigation uses in adjacent waterways. Such activities shall be setback from federal navigation channels and shall also be setback as prescribed in any harbor management plan approved pursuant to section 22a-113m of the General Statutes.
- (6) Such activities are, where applicable, consistent with a harbor management plan approved pursuant to section 22a-113m of the General Statutes.
- (7) The construction, installation, use or removal of any activity authorized herein shall not interfere with access or navigation to or from any riparian or littoral property.
- (8) The permittee shall maintain in good working condition all structures authorized under this general permit. Unless otherwise authorized in writing by the commissioner, the permittee shall remove from tidal, coastal or navigable waters of the state or tidal wetlands any structure or portions of structures which have been destroyed by any cause whether natural or man-made.
- (9) In the course of conducting any activity authorized herein, no person shall place any equipment or material, including fill, construction materials, construction debris or solid waste as defined in section 22a-207 of the General Statutes in any wetland or watercourse, nor use any wetland or watercourse as staging area except as explicitly authorized herein or in any approval of registration.

- (10) Upon completion of any work authorized herein, the permittee shall restore any area affected by, or used as a staging area in connection with, such activity to the condition of such area prior thereto.
- (11) Any debris associated with any activity authorized herein shall be removed from the area waterward of the coastal jurisdiction line and tidal wetlands and disposed of at an approved upland site applicable for such debris.
- (12) The permittee shall dispose of any solid waste, as defined in section 22a-207 of the General Statutes generated by the work authorized herein in accordance with all applicable law, including Chapters 446e and 446k of the General Statutes.
- (13) Any activity authorized herein shall be conducted so as to minimize adverse impacts to coastal resources and processes.
- (14) Any activity authorized herein shall be conducted so as to minimize adverse impacts to commercial and recreational fishing and shellfishing.
- (15) Any activity authorized herein shall not create an obstruction or hindrance that will have an adverse effect on the flood heights, flood carrying and water capacity of the waterways and floodplains.
- (16) Any activity authorized herein shall not adversely affect existing or designated uses of the waters of the state as defined in Connecticut's Water Quality Standards pursuant to section 22a-426 of the General Statutes.
- (17) In conducting any activity authorized herein, the permittee shall not cause or allow pollution, as defined in section 22a-423 of the General Statutes, including without limitation pollution resulting from erosion and sedimentation.
- (18) In undertaking the work authorized hereunder, the permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by CGS section 22a-423.
- (19) Except as specifically authorized by this permit, the permittee shall establish a minimum of a 10 foot setback from any wetlands or watercourses in and adjacent to the area where work is to be conducted or areas which are to be used for access to the work area. Such setback area(s) shall be flagged so as to be readily identifiable by contractor personnel until the authorized work is completed.
- (20) Except as specifically authorized by this permit, no equipment or material, including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, or within any delineated setback area, nor shall any wetland, watercourse or delineated setback area be used as a staging area or access way other than as provided herein.

Section 6. General Conditions

(a) Reliance on Registration

When evaluating a registration, the commissioner relies on information provided by the registrant. If such information proves to be false or incomplete, the authorization issued under this general permit may be suspended or revoked in accordance with law, and the commissioner may take any other legal action provided by law.

(b) Duty to Correct and Report Violations

Upon learning of a violation of a condition of this general permit, a permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further such violation, and report in writing such violation and such corrective action to the commissioner within five (5) days of the permittee's learning of such violation. Such report shall be certified in accordance with Section 6(d) of this general permit.

(c) Duty to Provide Information

If the commissioner requests any information pertinent to the authorized activity or to determine compliance with this general permit, or with the permittee's approval of registration, the permittee shall provide such information in writing within thirty (30) days of such request. Such information shall be certified in accordance with Section 6(d) of this general permit.

(d) Certification of Documents

Any document, including but not limited to any notice, which is submitted to the commissioner under this general permit shall be signed by, as applicable, the registrant or the permittee in accordance with section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, 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 the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.”

(e) 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.

(f) *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 General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

(g) *Correction of Inaccuracies*

Within fifteen (15) days after the date a permittee becomes aware of a change in any of the information submitted pursuant to this general permit, 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 certified in accordance with Section 6(d) of this general permit. The provisions of this subsection shall apply both while a request for approval of registration is pending and after the commissioner has approved such request.

(h) *Transfer of Authorization*

An approval of registration under this general permit is transferable only in accordance with the provisions of section 22a-6o of the General Statutes.

(i) *Other Applicable Law*

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

(j) *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 activity affected by such general permit. In conducting any activity authorized hereunder, the permittee may 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 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 the commencement of proceedings to collect penalties 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 it 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 to continue lawfully conducting the activity authorized by this general permit, the permittee may continue conducting such activity only if the permittee files an application for an individual permit within sixty (60) days of receiving the commissioner's notice. While such application is pending before the commissioner, the permittee shall comply with the terms and conditions of this general permit and the subject approval of registration. Nothing herein shall affect the commissioner's power to revoke a permittee's authorization under this general permit at any time.

Issued Date: October 26, 2015

Robert J. Klee
Commissioner

This is a true and accurate copy of the general permit executed on **October 26, 2015** by the Commissioner of the Department of Energy and Environmental Protection.