

General Permit for Diversion of Water for Consumptive Use: Filing Categories

Backup Well
Large Tidally-Influenced Rivers
Small Supplemental Bedrock Well
Small Water Supply System

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General Permit for Diversion of Water for Consumptive Use: Filing Categories

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Section 1. Authority

This general permit is issued under the authority of sections 22a-6 and 22a-378a of the General Statutes.

Section 2. Definitions

As used in this general permit, the following definitions shall apply:

“Agricultural” means pertaining to agriculture as defined in section 1-1(q) of the General Statutes.

“Aquifer protection area well” means that water supply well or wells whose zone of contribution and recharge area defines the Level A or Level B Aquifer Protection Area within which the well(s) resides.

“Audit” means a systematic accounting of water throughout the production, transmission, and distribution facilities of the system.

“Authorized diversion” means a diversion maintained under the authority of this general permit.

“Base flood” means base flood as defined in section 25-68b of the General Statutes.

“Best management practice” means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Best management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

“CFR” means Code of Federal Regulations.

“Coastal resources” means coastal resources as defined in section 22a-93 of the General Statutes.

“Commissioner” means commissioner as defined by section 22a-367 of the General Statutes.

“Community water system” means a public water system that serves at least twenty-five (25) residents.

“*Consumptive use*” means any withdrawal from or removal of the waters of the state, including but not limited to any withdrawal or removal for public or private water supply, industrial use, irrigation, hydropower generation, flood management, water quality management, recreation, landscaping ponds and decorative water fountains, or any other purpose; but does not mean the channelizing, damming, collecting, piping, culverting, filling, relocating, or dredging of a watercourse or the detaining of stormwater for the purpose of stormwater management.

“*Cumulative impact*” means the impact of a proposed diversion together with the impact of any other diversion whether such other diversion is exempt from permitting under section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, or registered with or permitted by the commissioner pursuant to section 22a-368 of the General Statutes.

“*Distribution system*” means a system of pipes or other conduits for distributing water from one or more sources to users or consumers.

“*Diversion*” means diversion as defined in section 22a-367 of the General Statutes.

“*Divert*” means divert as defined in section 22a-367 of the General Statutes.

“*Eligible diversion*” means a diversion described in Section 3(a) of this general permit which meets all the conditions for authorization listed in Section 3(b) of this general permit.

“*Endangered species*” means endangered species as defined in section 26-304 of the General Statutes.

“*Erosion and sedimentation control measure*” means a specific design for vegetative, non-structural or structural means for controlling erosion and sedimentation described in the *Connecticut Guidelines for Soil Erosion and Sediment Control* published by the Connecticut Council on Soil and Water Conservation pursuant to section 22a-328 of the General Statutes.

“*Excess material*” means material such as soil, sand, gravel, stone, or debris produced by the construction of an authorized diversion which material is not utilized in the construction of said diversion.

“*Existing natural resource map*” means a topographic map prepared by the U. S. Geological Survey; a flood boundary map prepared by the Federal Emergency Management Agency; a soil survey map prepared by the Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; a National Wetlands Inventory Map prepared by the U. S. Fish and Wildlife Service; a *State and Federal Listed Species and Natural Communities* map or a map of coastal resources prepared by the Department of Energy and Environmental Protection; photogrammetric map; and similar depictions of the land and natural resources.

“*FEMA*” means the Federal Emergency Management Agency.

“*Fill*” means any material that is used to raise the level of the ground surface, whether such surface is above, at, or below the water table, and includes but is not limited to consolidated material such as concrete and unconsolidated material such as sand, gravel and stone.

“*Floodplain*” means floodplain as defined in section 25-68b of the General Statutes.

“*Floodway*” means the regulatory floodway as defined in 44 CFR Chapter 1, Part 59.1 for a particular watercourse and delineated on a map titled *Floodway & Flood Boundary Map* or *Flood Insurance Rate Map* issued by FEMA for the municipality wherein such watercourse is located.

“*Groundwater*” means that portion of waters, as the term waters is defined in section 22a-367 of the General Statutes, located at or below the ground surface.

“*Habitat essential to such species*” means habitat as defined in section 26-304 of the General Statutes.

“*Individual permit*” means a permit issued by the commissioner to a specific permittee pursuant to section 22a-368(b) of the General Statutes.

“*Material*” means material as defined in section 22a-38 of the General Statutes.

“*Municipality*” means municipality as defined in section 22a-367 of the General Statutes.

“*Permittee*” means any person who or municipality which is authorized by this general permit.

“*Person*” means person as defined in section 22a-367 of the General Statutes.

“*Pollution*” means pollution as defined in section 22a-423 of the General Statutes.

“*Primary production well*” means a well that is used as a primary source of water and does not include a well installed or maintained solely for purposes of remediating groundwater or of testing the yield, level, or quality of groundwater.

“*Regulated activity*” means a diversion of water regulated by the commissioner under section 22a-368 of the General Statutes.

“*Request for Authorization*” means a request for authorization submitted under Section 4 of this general permit.

“*Requester*” means a person or municipality who submits to the commissioner a request for authorization.

"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. Noncontiguous 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.

"Solid waste" means solid waste as defined in section 22a-207 of the General Statutes.

"Species of special concern" means species of special concern as defined in section 26-304 of the General Statutes.

"Structure" means any man-made object constructed or placed above, in or on the ground or underwater.

"Surface water" means that portions of waters, as the term "waters" is defined in section 22a-367 of the General Statutes, located above the ground surface.

"Threaten the continued existence" means threaten the continued existence as defined in section 26-304 of the General Statutes.

"Threatened species" means threatened species as defined in section 26-304 of the General Statutes.

"Unaccounted-for water" means the amount of non-revenue water minus known or estimated losses and leaks.

"Water company" means water company as defined in section 25-32a of the General Statutes unless otherwise defined in this general permit.

"Watercourses" means watercourses as defined in section 22a-38 of the General Statutes.

"Water supply system" means any pond, lake, reservoir, stream, well or distributing plant or system used to supply water.

"Waters" means waters as defined in section 22a-367 of the General Statutes.

"Well" means a hole dug or drilled into the earth from which water may be withdrawn.

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

Section 3. Authorization under this General Permit

(a) *Eligible Diversions*

The following diversions are authorized by this general permit, provided the conditions of Section 3(b) of this general permit have been satisfied:

(1) Backup Well

Withdrawal of water from a backup well where a primary well is out of service, provided 1) the backup well is located within 250 feet of such primary well, 2) the primary production well has been registered or permitted by the commissioner under section 22a-368 of the General Statutes or permitted under this general permit, 3) the total quantity of water withdrawn does not result in an increase in the rate or quantity of a diversion registered or permitted by the commissioner under section 22a-368 or 22a-378a of the General Statutes, and 4) the subject withdrawal is not made in conjunction with a withdrawal as described in Section 3(a)(2) or Section 3(a)(3) of this general permit.

(2) Small Supplemental Bedrock Well

Withdrawal of groundwater from a bedrock aquifer from well(s) at a cumulative rate no greater than 50,000 gallons in any twenty-four hour period, to supplement an existing community water system or existing agricultural water system, for which all existing sources are either registered or permitted, provided the subject withdrawal is not made in conjunction with a withdrawal as described in Section 3(a)(1) or Section 3(a)(3) of this general permit.

(3) Small Water Supply System

Withdrawal of groundwater from any combination of wells for use by an existing community water system or existing agricultural water system at a cumulative rate no greater than 75,000 gallons in any twenty-four hour period, provided 1) there are no existing private or public water supply wells within 1500 feet of the subject well(s), 2) the contributing upstream watershed of the nearest intermittent or perennial stream or river indicated on a current United States Geologic Survey 7.5 minute series topographic quadrangle, and located in the same basin as the well, is one square mile or more, and 3) the subject withdrawal is not made in conjunction with a withdrawal as described in Section 3(a)(1) or Section 3(a)(2) of this general permit.

(4) Large Tidally-Influenced Rivers

Withdrawal of less than 2 million gallons of surface water per day from the: Connecticut River from Wethersfield Cove to Long Island Sound, Housatonic River from the Orange / Milford town boundary to Long Island Sound, Pawcatuck River from Major Island at Clarks Village to Fishers Island Sound, Quinnipiac River from the Route 40 bridge in North Haven to New Haven Harbor, and the Thames River; provided the withdrawal is in compliance with sections 22a-28 through 22a-35 (Tidal Wetlands), 22a-36 through 22a-45 (Inland Wetlands and Watercourses), 22a-416 through 22a-438 (Wastewater

Discharge), 22a-359 through 22a-363f (Structures, Dredging and Fill) of the General Statutes;

(b) Requirements for Authorization

This general permit authorizes a diversion listed in Section 3(a) of this general permit, provided:

(1) Request for Authorization

A request for authorization and appropriate fee has been submitted in accordance with Section 4 of this general permit.

(2) Water Resources

Such diversion causes and will cause only minimal environmental effects when conducted separately and would cause only minimal cumulative environmental effects, including without limitation on wetlands and watercourses and fish and wildlife habitat.

(3) Water Quality Standards

Such diversion does not and will not adversely affect existing or designated uses of the waters of the state as such uses are described in Connecticut's *Water Quality Standards* adopted pursuant to section 22a-426 of the General Statutes.

(4) Water Supply Wells

Such diversion does not and will not adversely affect the production capacity, yield, or water quality of any water supply well or any other source of public or private water supply.

(5) 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.

(6) Endangered and Threatened Species

Such diversion does not threaten the continued existence of any species listed pursuant to section 26-306 of the General Statutes as endangered, threatened, or species of special concern and will not result in the destruction or adverse modification of habitat essential to such species.

(7) Flood Hazards

Such diversion does not and will not cause or contribute to flooding or flood hazards, permanently obstruct a floodway, or interfere with federal, state or local flood management efforts, and does and will comply with 44 CFR Chapter 1, Parts 59 through 79.

(8) Flood Management Certification by State Agency

Such diversion is maintained, proposed, or funded by a Connecticut state agency, such agency has complied with sections 25-68b through 25-68h of the General Statutes, and sections 25-68h-1 through 25-68h-3 of the Regulations of Connecticut State Agencies.

(9) Diversion by Water Company

Such diversion is maintained or proposed by a water company, the diversion is consistent with said company's water supply plan approved pursuant to section 25-32d of the General Statutes, and said company's water conservation and water supply emergency contingency plans are consistent with guidelines adopted under section 4-67e of the General Statutes.

(10) Other Uses

Such diversion does not and will not adversely affect an existing or potential use of water for public water supply, hydropower, water-based recreation, industry, agriculture, or waste assimilation and will not significantly affect long-range water resource management.

(11) Conservation and Preservation Restrictions

Such activity, if located within a conservation or preservation restriction area, complies with section 47-42d of the Connecticut General Statutes, by providing the following documentation 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.

(c) ***Geographic Area***

This general permit shall apply throughout the State of Connecticut.

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

This general permit shall be effective on the date it is issued by the commissioner and shall expire on January 17, 2027. On the effective date of this general permit, the previously issued general permit, the *General Permit for Diversion of Water for Consumptive Use: Filing Categories* issued on March 15, 2007 shall expire and no longer be valid or of any force or effect.

(e) ***Effective Date of Authorization***

A diversion is authorized under this general permit upon receipt, by the commissioner, of a complete request for authorization and appropriate fee, in accordance with Section 4 of this general permit.

(f) *Diversions Not Authorized by this General Permit*

A diversion may not lawfully be maintained unless it is authorized under this general permit, properly registered under section 22a-368(a) of the General Statutes, authorized by an individual permit, or exempted under section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies. Please note that diversion of water for non-consumptive purposes, and consumptive diversions of 50,000 gallons or less during any 24-hour period, are not authorized by this general permit.

(g) *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 entity to whom any such individual permit has been issued (“the permittee”) may surrender the right to operate or conduct any activity under such individual permit. The permittee shall acknowledge its intention to surrender its permit in writing to the commissioner. However, any such surrender shall not take effect, and such permittee’s individual permit shall continue to apply, until the date that the commissioner issues an authorization for such operation or activity under this general permit.
- (2) *Transition from Authorization under this General Permit to an Individual Permit.* If the commissioner approves a request for authorization under this general permit and 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. Request for Authorization

(a) *Who Must Submit a Request for Authorization*

- (1) Any person or municipality who wishes to maintain a diversion under this general permit shall submit to the commissioner a completed request for authorization and the applicable general permit fee.
- (2) If the owner of a proposed diversion is not or will not be the user of all or a portion of the waters proposed to be diverted, such owner and each user shall jointly submit a request for authorization under this general permit. For purposes of this general permit, a user is any person who uses the subject water for any purpose provided a consumer, as the term consumer is used in section 25-32a of the General Statutes, shall not be deemed a user.

(b) *Scope of Authorization*

A requester may file for authorization under more than one category of diversion as listed in Section 3(a) of this general permit, although a separate request for authorization form shall be filed for each category and each individual site wherein a diversion occurs. No category may be used more than once per site or water supply system unless the volume of such multiple diversions are considered and applied for cumulatively to qualify under that category.

(c) *Contents of Request for Authorization*

(1) General Permit Fee

- (A) A \$1500 fee shall be submitted with each request for authorization described in Section 3(a) of this general permit, except if the requester is a municipality, in which case 50% of the applicable fee shall be submitted.
- (B) The fees prescribed in this subsection shall be paid by check or money order payable to the *Department of Energy and Environmental Protection*.
- (C) The fees prescribed in this subsection are non-refundable.

(2) Information Requirements

- (A) A request for authorization shall be filed on a form prescribed by the commissioner and shall include, but not be limited to, the following:
 - (i) legal name, address and telephone number of the requester. If the requester is an entity transacting business in Connecticut, provide the exact name as registered with the Connecticut Secretary of the State;
 - (ii) if different from that of the requester, legal name, address and telephone number of the owner of the property at which the diversion or proposed diversion is or will be located;
 - (iii) legal name, address, telephone number of the requester's attorney, if any;
 - (iv) legal name, address, and telephone number of any consultant(s) or engineer(s), if any, retained by the requester to complete the Request for Authorization form, or to design or construct the subject activity;
 - (v) legal address of the property at which such diversion is or will be located, or if the provision of an address is not feasible, a detailed description of the location of such property including the latitude and longitude coordinates derived from a global positioning system (GPS);

- (vi) a description of such diversion, including present and planned rate, quantity and frequency of water withdrawals, the present and intended use of diverted water, and the reason for such diversion;
- (vii) a description of all natural and manmade features, including wetlands, watercourses, fish and wildlife habitat, floodplains, and structures and appurtenances thereto, potentially affected by the subject diversion;
- (viii) a description of any existing or proposed water supply system on such property;
- (ix) if applicable, the date the subject diversion was or will be initiated;
- (x) a detailed description of the pollution prevention and best management practices that have been or will be implemented during the construction and operation of such diversion in order to maintain an uninterrupted stream flow in the subject watercourse, prevent pollution and minimize adverse effects on floodplains, wetlands, watercourses, fish and wildlife, and coastal resources;
- (xi) a description of any water withdrawals, including residential wells, located within 1500 feet of the subject diversion;

(xii) Location Map

A depiction, on an 8.5" x 11" copy of the relevant portion of the most recent version of the United States Geologic Survey topographic map (Scale 1:24,000), of the exact location of the property at which such diversion is or will be located, and the exact location of any well(s), including residential wells located within 1500 feet of such diversion.

(xiii) Site Plan

A plan of the property on which such diversion is or will be located depicting the location and general design of existing and proposed diversion structures, the location where diverted water is or will be discharged, the general configuration of any water supply system located on such property, existing and proposed topography, the boundaries of such property, the location of wetlands, watercourses, and coastal resources on and immediately adjacent to such property, the sequence of construction of proposed diversion structures, the location of all erosion and sedimentation control measures, the location on such property where any excess materials resulting from construction of the proposed diversion may be placed, a north arrow and distance scale, and a title block indicating the name of the requester, the name of the individual who prepared the plan, and the date(s) such plan was prepared or revised. If such property is located

in a floodplain, the plan should also depict the location of any floodway, and the elevation of the base flood. The plan may incorporate existing natural resource maps and shall be of sufficient scale and detail to adequately depict the existing and proposed conditions of such property. The plan shall be signed and sealed by a professional engineer licensed to practice in the state of Connecticut and/or a certified land surveyor.

(xiv) Activities Located in a Floodplain

If the requester is not a Connecticut state agency and the subject diversion involves placement of fill or an above-ground structure in a floodplain, a written certification, supported by adequate written hydraulic analysis, by an engineer licensed to practice in Connecticut and experienced in the fields of hydraulics and hydrology, that such fill or above-ground structure is designed in accordance with accepted engineering practices and conforms to the applicable flood management standards and criteria, including standards for flood-proofing of structures, established in section 25-68d of the General Statutes and sections 25-68h-1 through 25-68h-3 of the Regulations of Connecticut State Agencies. If the requester is a Connecticut state agency and the subject diversion or its appurtenances will be located in a floodplain, a copy of the commissioner's approval, pursuant to section 25-68d of the General Statutes, of such agency's flood management certification for such diversion and its appurtenances.

(xv) Activities Located within or adjacent to an Aquifer Protection Area

The requirements of this subsection shall only apply to ground water withdrawals as described in Section 3(a) of this general permit.

If the subject diversion is located in, or within three thousand (3,000) feet of and in the same sub-regional basin as, a Level A or Level B Aquifer Protection Area delineated pursuant to section 22a-354c or section 22a-354z of the General Statutes, the requester shall include a statement signed by a duly authorized representative of the water company operating that Aquifer Protection Area well, stating that such company does not object, for any reason, to the subject diversion as proposed.

(xvi) Well Completion Report

The requirements of this subsection shall only apply to ground water withdrawals as described in Section 3(a) of this general permit.

A well completion report, including well depth, a description of the earth materials penetrated (i.e. peat, silt, sand, gravel, clay, till, shale, sandstone, granite, etc.) and yield test results.

(xvii) Certification of Request for Authorization

The signatures of the requester and of the individual or individuals responsible for actually preparing the request for authorization, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this request for authorization 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 General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.” The requester shall further state: “I further certify that on the following dates and at the following addresses a complete copy of this request for authorization, including all documents attached thereto, was (sent by regular/certified mail) (hand delivered) to the municipal wetlands agency, zoning commission, planning commission or combined planning and zoning commission, and conservation commission of each municipality which is or may be affected by the subject diversion: (list date(s), names, addresses).”

(d) *Where to File a Request for Authorization*

The original and four copies of a request for authorization 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

A copy of such request for authorization shall also be filed with the municipal wetlands agency, zoning commission, planning commission or combined planning and zoning commission, and conservation commission of each municipality, which is or may be affected by the subject diversion.

(e) *Additional Information*

The commissioner may require a requester 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.

(f) *Action by Commissioner*

(1) The commissioner may reject a registration if the registration is not

accompanied by the required fee or the commissioner determines that the registration does not include the information required in Section 4(c) of this general permit. 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 deny 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) Denial 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, denial, 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(b) of this general permit. Any permittee authorized for a diversion of water as described in Sections 3(a) of this general permit shall assure that activities authorized by this general permit are conducted in accordance with the following conditions:

(a) *Operating Conditions*

(1) Diversion Metering

Unless otherwise specified, the permittee shall install a flow meter(s) to measure the total volume of diversion authorized herein, and shall for the duration of the authorization continuously operate and maintain such meter(s) in good working order. In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72 hours. In the case of a back-up well as described in Section 3(a)(1) of this general permit the primary well shall also be metered pursuant to this subsection.

(2) Meter Calibration

The permittee shall test each meter referenced in Section 5(a)(1) of this general permit above every other year, and calibrate to within two percent accuracy as shown through a post-calibration test. The permittee shall maintain a record of the accuracy and calibration tests along with supporting documentation and certifications. The permittee shall make a copy of said records available to the commissioner or the commissioner's designee immediately upon request.

(3) Inspections

The permittee shall conduct routine inspections of all equipment associated with the diversions authorized by this general permit. Inspections shall be conducted

as necessary to insure proper operation of all equipment. A log shall be maintained on-site documenting the date of inspection, inspector's name, verification of operation or critical equipment, and a summary of any work or change in equipment associated with the diversions authorized by this general permit.

(4) Daily Diversion Recording

The permittee shall record on a daily basis the quantity of water that is diverted, and is metered, pursuant to this general permit. Water diversions shall be recorded and reported in gallons or thousands of gallons. The daily record shall include all other pertinent data such as but not limited to the volume of water diverted, exact hours of operation for all non-water company diverters, *typical* hours of operation for all water company diverters, the time each day that the meter was read and recorded, and denotation and explanation of any instances in which the diversion of water exceeded the authorized withdrawal limitation(s) specified in this general permit. Such record shall be on a form as prescribed by the commissioner. A copy of the daily record of withdrawals shall be included in the Annual Report to the commissioner required by Section 5(b)(3) of this general permit.

(5) Long-range Water Conservation Plan

Each permittee that is a water company, as defined in section 25-32a of the Connecticut General Statutes, and is required by section 25-32d of the Connecticut General Statutes to submit a water supply plan to the Commissioner of Public Health, shall implement its water conservation plan component of said plan and any subsequent amendments or updates as approved by section 25-32d of the Connecticut General Statutes. The permittee shall maintain a summary of all actions taken each year pursuant to the Long-range Water Conservation Plan and, where practical, a description of the estimated or actual water savings achieved. A copy of this summary shall be included in the Annual Report to the commissioner required by Section 5(b)(3) of this general permit.

(6) Water Audit

Each water company authorized to divert herein shall triennially conduct a water audit of their water distribution system. The water audit shall follow standards and criteria contained within the American Water Works Association's (AWWA) Manual M36 as may be amended or revised. A copy of all actions taken pursuant to the water audit shall be included in the Annual Report to the commissioner required by Section 5(b)(3) of this general permit.

(7) Leak Detection

At any time that the unaccounted-for water, as calculated pursuant to Section 5(a)(6) of this general permit remains above 15% of total system input, the permittee shall in the subsequent year conduct a system-wide, comprehensive leak detection survey of the water distribution system and repair any leaks found. The leak detection survey shall follow standards and criteria contained

within the AWWA's Manual M36 as may be amended or revised. The permittee shall maintain a record of all actions taken pursuant to the leak detection survey, including the number of miles of water main surveyed, the survey techniques and methodology utilized, the number of leaks detected, and the actual repairs made. A copy of this record shall be included in the Annual Report to the commissioner required by Section 5(b)(3) of this general permit.

(8) Seasonal Irrigation Restrictions

Irrigation withdrawals authorized under this general permit are restricted to the period of April 15 through October 31, inclusive.

(9) Pollution Prevention / Best Management Practices

The permittee shall not cause or allow the authorized diversion, including any construction associated therewith, to result in pollution or other environmental damage and shall employ best management practices to prevent such damage. The permittee shall, in addition to employing any other best management practices necessary to prevent such damage, do the following:

(A) Control Erosion

The permittee shall install and maintain in optimal condition erosion and sedimentation controls to prevent erosion and discharge of material into any waters of the state, including wetlands, as a result such diversion or any construction associated therewith. Such controls shall be installed and maintained in conformity with the *Connecticut Guidelines for Soil Erosion and Sediment Control*, as amended, published by the Connecticut Council on Soil and Water Conservation pursuant to section 22a-328 of the General Statutes.

(B) Dispose of Excess Material Properly

All excess material and solid waste generated during any construction associated with such diversion shall be disposed of in accordance with applicable federal, state and local law.

(C) Golf Courses

For diversions authorized under this general permit, involving the irrigation of golf courses, the permittee shall, where applicable, conform with the document entitled *Best Management Practices for Golf Course Water Use*, as amended, available at www.ct.gov/deep.

(10) Alteration of Authorized Diversion

In constructing and operating the authorized diversion, the permittee shall not make any alteration, except a de minimis alteration, to such diversion and shall not make any de minimis alteration without first obtaining the written approval from the commissioner of such alteration. For the purposes of this general permit, a de minimis alteration means a change in the design or operation of the

authorized diversion that does not increase its adverse environmental or other impacts and does not significantly change the quantity or location of water withdrawn.

(11) Contractor Notification

If the authorized diversion will be constructed by a person(s) under contract to the permittee, the permittee shall (A) give a copy of this general permit to such contractor(s) prior to the start of construction, and (B) retain a written receipt for such copy, signed and dated by such contractor(s).

(12) Notice to Commissioner of Any Changes in Permittee Contact Information

The permittee shall give written notice of any changes in permittee contact information to the commissioner within two weeks of any such change or modification.

(13) Notice to Commissioner upon Initiation and Permanent Discontinuance of Diversion

Within two weeks after first initiating and after permanently discontinuing the authorized diversion, the permittee shall give written notice of same to the commissioner.

(14) Initiation of Diversion

If the permittee does not initiate the authorized diversion within three years after the signature date of the request for authorization form, said approval shall be null and void.

(15) Restrictions

The commissioner shall have the right to restrict the diversion authorized in this permit at any time the commissioner determines:

- (A) a declared local, regional or state-wide drought advisory, watch, warning or emergency necessitates curtailment of non-essential water uses, or
- (B) the continuation of the diversion would have an adverse effect on wetlands and watercourses, water quality, fisheries resources, aquatic habitat, or any public or private water supply well.

(b) Reporting and Record Keeping Requirements

Except as provided in Section 5(b)(3) of this general permit, or as otherwise specified in writing by the commissioner, all information required under this general permit shall be retained by the permittee and be readily available on request.

- (1) The permittee shall maintain a copy of this general permit on site at all times.
- (2) The permittee shall retain copies of all records and reports required by this general permit, and records of all data used to compile these reports for a period

of at least fifteen years from the date such data was generated or report was created whichever is later.

(3) Annual Report

The permittee shall submit by January 30 of each year, for the duration of their authorization, an Annual Report for the preceding calendar year. Such report shall be certified in accordance with Section 6(d) of this general permit and shall contain the following:

- (A) A copy of the withdrawal records of daily withdrawals, and daily transfers pursuant to Section 5(a)(4) of this general permit;
- (B) In the case of a back-up well as described in Section 3(a)(1) of this general permit, a copy of the withdrawal records of daily withdrawals for the primary well;
- (C) Summary report of any actions taken pursuant to the Long-Range Water Conservation Plan and Water Conservation Plan and description of actual or estimated water savings achieved pursuant to Section 5(a)(5) of this general permit;
- (D) A copy of any Water Audit Report pursuant to Section 5(a)(6) of this general permit;
- (E) A copy of any Leak Detection Report pursuant to Section 5(a)(7) of this general permit; and
- (F) A copy of any violation report pursuant to Section 5(c) of this general permit.

(c) ***Recording and Reporting Violations***

Immediately upon learning of a violation of a condition of this general permit or of any of the requirements for authorization of Section 3(b) of this general permit, the 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) calendar days of the permittee learning of such violation. Such report shall include but not be limited to the following information:

- (1) the provision(s) of this general permit that has been violated;
- (2) the date and time the violation(s) was first discovered and by whom;
- (3) the cause of the violation(s), if known;
- (4) if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected;

- (5) if the violation(s) has not ceased, the anticipated date when it will be corrected;
- (6) steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
- (7) the signatures and signed certification statements of the permittee and of the individual(s) responsible for actually preparing such report.

A copy of this report shall be included in the Annual Report to the commissioner required by Section 5(b)(3) of this general permit.

Section 6. General Conditions

(a) Reliance on Request for Authorization

In evaluating the request for authorization, the commissioner has relied on information provided by the requester. 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, pursuant to Section 5(c) of this general permit. 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, 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 or with any municipal agency or commission of any document is the date such document is received by the commissioner, municipal agency or commission, respectively. 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 authorization is pending and after the commissioner has approved such request.

(h) *Transfer of Authorization*

An authorization under this general permit is transferable only in accordance with the provisions of section 22a-6o of the General Statutes and upon payment of a transfer fee of \$750. A transfer of authorization shall not be deemed authorized unless the transfer fee has been paid in full.

(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 the obligation to obtain any other lawfully required authorization to construct or maintain the authorized diversion.

(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 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 in order to continue lawfully conducting the activity authorized by this general permit, the permittee may continue conducting such activity only by filing 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. Nothing herein shall affect the commissioner's power to revoke a permittee's authorization under this general permit at any time.

Issued Date: January 17, 2017

Michael Sullivan

Deputy Commissioner

This is a true and accurate copy of the general permit executed on **January 17, 2017** by the Department of Energy and Environmental Protection.