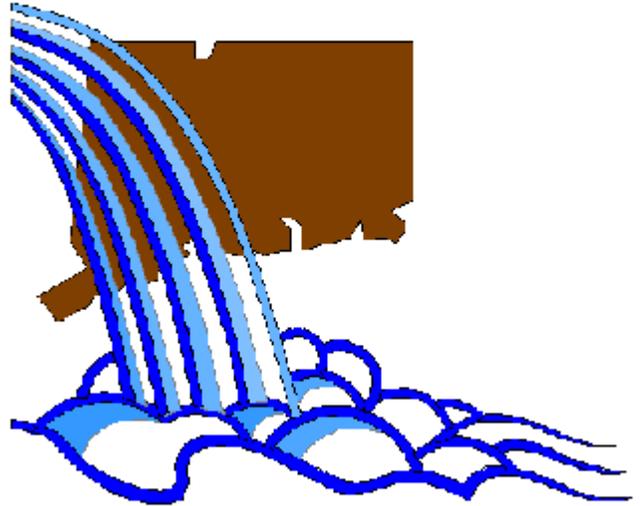




*Connecticut
Dam Safety Program*



Connecticut Dam Safety

Permit Application Guidance

Connecticut Department of Energy and Environmental Protection
Dam Safety Program
79 Elm Street, Hartford, CT

Version 1.0 8/29/2013

Connecticut Dam Safety Permit Application Guidance

The Department of Energy and Environmental Protection's (DEEP's) Dam Safety Program administers a statutorily required permitting program which is intended to ensure that all proposed work to repair, alter, remove or construct a new dam is authorized when required and the projects will result in safe dams with minimal environmental impacts.

When planning to work on a dam, remove a dam, or build a new dam, the dam's owner and other involved parties should become educated regarding the need for permits and which permits will be required for the work proposed. The permit(s) required depend on a number of factors which include the size and hazard classification of the dam, the complexity and extent of the work proposed, and environmental considerations.

The following questions and answers are intended to provide guidance to dam owners and consultants planning a project involving a dam. If you have any questions please contact the Dam Safety Program staff by calling 860-424-3706. The mailing address is: Connecticut DEEP Dam Safety Program, Inland Water Resources Division, 79 Elm Street, Hartford, CT 06106-5127.

Do I need a State Dam Safety Permit at all?

A permit from the Dam Safety Program may not be needed if the work proposed is considered maintenance or if the dam has a DEEP Dam Safety confirmed hazard classification of AA, which is Negligible Hazard Class. This does not mean that no other permits would be required. The project may fall under the jurisdiction of other municipal, state, or federal agencies. A permit should always be obtained from dam safety before undertaking *substantial* repair work to a dam, constructing a new dam, and for the removal of a dam for all dams with a hazard class higher than AA.

What are the hazard classifications of a dam?

The hazard classifications range from Negligible downstream hazard (AA) up through Low (A), Moderate (BB), Significant (B), and High (C) downstream hazard. Significant and high hazard dams generally are larger and store more water and present more danger to persons and property downstream than the other hazard classifications in the event of a failure. The failure of a significant or high hazard dam is expected to cause possible or probable loss of life in the ensuing flood wave. See section 22a-409-2(d) of the Regulations of Connecticut State Agencies for definitions of the hazard classes. This section of the Regulations may be found at the following website: [Dam Safety Inspection Regulations](#)

Repairs and Alterations to dams

By far, the largest number of permit applications received is for significant repairs and alterations to existing dams. These projects must include improvements and upgrades necessary for the safety of the dam. In general, all dams should be able to safely discharge the large spillway flows associated with the chosen "design storm" for the dam. All dams should be stable under the loading of such a flood and able to survive the high impoundment levels and possible wave or ice action. Whenever a

deficiency is revealed in a dam, whether by inspection or during normal operations, it should be evaluated and a plan prepared to address the deficiency. This evaluation and address is the responsibility of the owner of the dam and it is usual for the owner(s) to engage the services of an experienced dam safety civil engineer. Often, the repair is significant and dam repair and environmental permits are required. See the next section for more on maintenance and repairs.

What is the difference between Maintenance and Repairs to a dam?

- **Maintenance:** In general, maintenance includes activities like cutting and removing brush and trees (not root removal) from your dam, its embankments, abutments, and downstream toe area. Regular care for and mowing of the vegetated portions or your embankments is vital maintenance. Removing debris and tree/branches from the spillway and downstream channel is also maintenance. Hand patching of concrete cracks and spalls that can be done *by hand* without motorized equipment is usually considered maintenance. Filling of tire ruts and footpath erosion and restoring proper vegetation is considered maintenance. Re-pointing of stone masonry is normally considered maintenance unless it is large scale. Please contact the dam safety program to discuss your proposed activity to confirm it is indeed maintenance.
- **Repairs:** Repairs that are “substantial” require obtaining a permit before the work is undertaken. Repairs that are not substantial due to the small scale or minor amount of work may be conducted without a permit similar to maintenance. However, dam owners should always contact DEEP dam safety staff and request a determination regarding the proposed repair. If DEEP/Dam Safety staff determines that the proposed repair is not substantial, it will confirm by letter to the dam owner, which you should have in hand before beginning the work. Removing tree roots of larger trees which are greater than six inches in diameter is a substantial repair activity that requires the oversight of a professional engineer. Most repair projects to dams are substantial and require permits and professional engineering oversight. These include things such as reconstruction or replacement of portions of the dam, the spillway, or structural components of the dam. In order to ensure that the repairs will bring the dam up to the current dam safety standards and that the project will not cause undue impacts to the environment, wetlands, wildlife or fisheries, a permit application which includes a considerable amount of supporting information is required. A licensed professional civil engineer with experience in dam safety must be retained to undertake the design of the repairs and preparation of the application (or portions of) and to oversee and finally certify the resulting repair work. The retained engineer should become knowledgeable about the dam’s history by conducting a thorough file review to ensure that all identified dam deficiencies are addressed in the repair design.

Dam Removals

The removal of a dam can have numerous advantages, including the reduction or elimination of downstream hazard and the owner’s liability, and significant environmental enhancements such as restoration of migratory fish runs and riverine ecosystems. If the impounded water is no longer serving any purposes and the dam owners wish to eliminate the liability and risk a dam presents, removal should be evaluated.

In some cases, the entire dam is removed from the landscape. More often a large breach is constructed by removing some or all of the spillway and/or embankment and stabilizing the area for flood flows while the rest of the dam will remain in place. In order to eliminate the downstream hazard that a stored impoundment creates, the breach must be sized large enough to prevent the impounding of water and constructed such that it is stable during large flood flows. Additionally, the breach will almost always need to be designed to allow for fish and eel passage. This should be coordinated with DEEP Inland Fisheries staff. See additional information below about coordinating with the Inland Fisheries Division.

The design and permitting of a dam removal project can be complex due to the numerous factors that need to be evaluated. Such an undertaking can often be more complex than a repair project. There are issues to address in a removal that may not need to be addressed for a repair. Some of these issues are:

- Soliciting and handling public opinion regarding the removal. The loss of the impoundment may not be viewed as acceptable to everyone.
- Environmental consequences of the lowering of the impoundment, such as the loss of wetlands. It may be necessary to have this evaluated and possibly mitigated.
- Evaluating and handling accumulated sediment in the impoundment that may pose a risk to the downstream environment if released during the removal work.
- Flooding and riverine issues include a possible loss of detention storage and a change in flooding downstream. A change in the base flood elevation shown on FEMA rate maps may trigger a need to model the before and after removal flood profiles and submit data to FEMA for a map revision.
- Permitting for a removal or breach may require additional authorizations. Typically, authorizing a removal requires a Dam Safety permit, Army Corps of Engineers wetlands permit, and State Water Quality Certification. Solid Waste permits may be required for handling sediment, particularly if it is contaminated. The DEEP state permits are typically applied for concurrently.

New Dam Construction

Construction of new dams is less frequent than in the past. Most new dams are constructed to create stormwater detention basins as a part of a land development project or to create small ponds for agriculture, irrigation, or perhaps a golf course. A larger new dam with a significant impoundment is something that would be difficult to permit, due to the environmental and potential safety impacts.

Whenever construction of a new dam is proposed, a letter requesting a determination of the need for a dam safety and other DEEP's Inland Water Resources Division permits should be submitted to the dam safety program. The letter must include a plan showing the proposed dam and hydraulic and hydrologic computations specific to the proposed dam. If the proposed dam does not create downstream hazard or can be redesigned to avoid creating a downstream hazard either due to its small size or location, it's possible that no dam safety permit would be required. This may not be true for the environmental permits. See below for more information regarding the various permits.

What are the Environmental Issues with Dam Repair and New Dam Construction Projects?

The environmental issues related to a dam project can become complex and cause delays in the processing of permit applications if they are not addressed and documented within the application for the dam safety permit. You should contact the ACOE, DEEP's Wildlife and Inland Fisheries divisions long before the repair designs are finalized to reduce the chances of the need for redesign, particularly for projects involving spillway replacements. Many applicants hire an environmental consultant and have them make the appropriate contacts and prepare the environmental report(s) necessary to support the application.

- Wetlands and Watercourses are present at every dam and your work must be designed and conducted to avoid and minimize impacts to the wetlands and watercourses. The wetlands and watercourses at your dam need to be delineated and the impacts to wetlands and watercourses caused by your project need to be avoided where practicable. Unavoidable impacts need to be identified, quantified, and minimized. Impacts resulting from your project may require mitigation. In some cases, it is necessary to fill wetlands to obtain a stable dam embankment. The environmental review of such filling of wetlands is based on Connecticut's Inland Wetlands and Watercourses Act and Section 404 of the federal Clean Water Act. Wetland and watercourse impacts and the need for mitigation should be discussed and evaluated in the application(s). The project should be designed to avoid and minimize any temporary and permanent impacts to the greatest extent practicable. The flow conditions in the watercourse downstream from the dam must be considered as well. When drawing down the impoundment, consider flood flows; when re-filling, consider the need to release water to maintain adequate downstream flow necessary for the support of aquatic life.
- Endangered, Threatened and Special Concern Species. The [Connecticut Natural Diversity Database \(NDDB\)](#) should be consulted to determine whether there is known state- or federal-listed species in the vicinity of your dam or impoundment. Maps of Natural Diversity Database Areas have been developed for every town in Connecticut and will help you determine whether your project may pose a potential conflict with listed species. If the prescreening reveals a potential conflict, you must file a NDDB Review Request *before* submitting the Dam Safety Permit application to obtain recommendations from the DEEP Wildlife Division for avoiding impacts to listed species. When completing the NDDB Review Request Form (DEP-APP-007), make sure to provide the details of your proposed construction including the time of year work will be conducted, and the timing, duration and depth of impoundment drawdown. In some instances, you may be asked to have biological surveys conducted at the site before appropriate recommendations can be made. Recommendations for avoiding impacts to state or federal listed species may entail modifications to construction plans and time of year work restrictions. For this reason, applicants should consult with NDDB early in the planning stages of a project but no earlier than 12 months of submitting the Dam Safety Permit application.
- Inland Fisheries Consultation. A fishway determination is required for all applications for dam safety permits. The DEEP Inland Fisheries Division (IFD) may have identified your dam as an impediment to migratory fish passage. A fishway is a device that allows fish to swim around dams and one may be necessary for your dam. You must contact the IFD before applying for a Dam Safety Permit. The IFD may have recommendations that may be easier to incorporate during the early stages of the repair design than it would later in the design phase. The IFD will

also require details of your proposed construction project to repair the dam such as impoundment drawdown timing and duration and project duration to determine if there are any concerns regarding the resident fish community in your impoundment and downstream of your dam. IFD will advise you regarding any steps needed to be taken to protect fish and aquatic resources. Such steps may include seasonal or durational limits for impoundment drawdown, coffer dam installation, and stream flow release requirements during impoundment re-filling. By completing this task before finalizing the repair designs and submitting the application, your project can include the needed fisheries considerations without having to revise the design during the application review. To initiate this task, complete the form entitled *Consultation Information Form for Dam Safety* from the DEEP [Inland Fisheries Division](#) and submit it to the Inland Fisheries Division using the addresses on the form.

What Permits are Required for Dam related Projects?

The sections below describe the different permit programs from the federal, state, and local permitting authorities. Further down, the actual dam safety permit is discussed. The other permits will be discussed first because they are mentioned in the section describing dam safety permitting requirements. In general, you will need one or more other permits for a dam related project. The overlapping jurisdictions of the town, state, and federal agencies can make the determination of the needed permits complex, however, this guidance is designed to help sort the requirements out.

When is a Town Wetlands Permit Needed?

Each town in Connecticut has a designated municipal inland wetlands agency, which regulates activities that affect wetlands within the municipality. When a DEEP Dam Safety Permit is required for working on a dam, Connecticut General Statutes (CGS) Section 22a-403(b) provides an exemption from municipal permitting with the following language:

“The commissioner or his representative, engineer or consultant shall determine the impact of the construction work on the environment, on the safety of persons and property and on the inland wetlands and watercourses of the state in accordance with the provisions of sections 22a-36 to 22a-45 (Inland Wetlands & Watercourses Act), inclusive”

and also states that

“An applicant for a permit issued under this section to alter, rebuild, repair or remove an existing dam shall not be required to obtain a permit under sections 22a-28 to 22a-45a, inclusive, or section 22a-342 (Stream Channel Encroachment Lines), 22a-361 or 22a-368 (Water Diversion Policy Act). An applicant for a permit issued under this section to construct a new dam shall not be required to obtain a permit under sections 22a-28 to 22a-45a, inclusive, for such construction. An applicant for a dam safety permit shall not be required to obtain approval of a certification under section 25-68d.”

In some situations it may be necessary for DEEP to determine its jurisdictional limits regarding regulation of impacts to wetlands/watercourses. When necessary, this determination is undertaken pursuant to state inland wetland regulations. Activities within the jurisdictional limits determined by the DEEP as part of the activities proposed at the dam site are not subject to regulation by the municipal inland wetlands agency. The local municipal inland wetlands agency would retain jurisdiction over activities beyond the jurisdictional limits established by the DEEP. A local permit

may be required by the municipality in those areas outside of the DEEP established jurisdiction. If a DEEP dam safety permit is not required, then the jurisdiction for regulating wetland and watercourse impacts remains with the municipal inland wetland agency and they should be consulted regarding their permit requirements.

When an application is submitted to a municipal Inland Wetlands Agency for an activity that involves the construction or modification of any dam, the municipal Inland Wetlands Agency is required by State Inland Wetlands and Watercourses Regulations (RCSA 22a-39-4.3d.) in writing to direct the applicant to apply to the DEEP Commissioner.

When is a permit from the US Army Corps of Engineers Required?

Be aware that a section 404 federal Clean Water Act permit may be required from the US Army Corps of Engineers (ACOE) for activities conducted in wetlands and waters. You should contact the ACOE New England District in Concord, Massachusetts early in your project planning process to determine if a permit is required. You may also want to consult with the ACOE to determine if your project would be eligible for authorization under a general permit. The [ACOE's New England District's](#) office telephone number is 978-318-8335.

Which State of CT DEEP Permits are required for Dam Projects? In addition to the dam safety permit, there are other state programs that may have jurisdiction. Other potential required permits include the State Water Quality Certificate (Section 401 Federal Clean Water Act), and The State Water Diversion Permit.

State Water Quality Certificate (Section 401 Federal Clean Water Act) In the case of the State Water Quality Certificate, there are three possible permitting avenues.

- A registration filing only process under a Water Quality Certification issued by CT DEEP for specific activities provided the proposed activity meets the requirements, conditions and limitations contained in such Water Quality Certification.
- A registration filing process under a Water Quality Certification issued by CT DEEP for specific activities with written authorization from CT DEEP required.
- A formal application filing for a regular (individual) Water Quality Certification.

For more information about the process please refer to the fact sheet and forms for Water Quality Certificates available on the DEEP website: [Land Use Permits IWRD](#)

State Water Diversion Permit-CGS 22a-365 through 22a-378 A water diversion permit is not normally required for dam repair projects. Section 22a-403b of the Dam Safety Statute provides an exemption for water diversion permitting for most projects.

- If your project is a construction of a new dam or the re-construction of a breached dam including restoration of an impoundment, then a Water Diversion Permit is likely required. Consultation with DEEP's Inland Water Resources Division (IWRD) is recommended.
- If your project is a repair of an existing dam and requires a Dam Safety Permit, then a Water Diversion Permit is not required.

Note that it is possible to apply for all individual IWRD permits (Dam Safety, Water Quality Certificate, and Water Diversion) using one comprehensive DEEP IWRD application form. See below for a listing of the application forms needed for the different permits. These permit applications should be prepared at least in part by a professional engineer who will certify and stamp applicable portions of the application and attachments.

State Dam Safety Permit

The dam safety Individual Permit is the original permit which is referred to in CGS Section 22a-403(a) of the dam safety statute. This permit can be used to authorize any and all construction of, alterations to, rebuilding of, substantial repairs and additions to, replacement of, or removal of any dam or structure that falls under the jurisdiction of the dam safety statute. This permit can be used for small or large scale dam projects. **No Dam Safety General Permit is currently available.** The previous General Permit issued for Dam Safety Repair and Alteration DEP-IWRD-GP-008 was issued on 6/6/2002 and expired after ten years on 6/6/2012. No new requests for coverage can be accepted under that permit. All applications for dam repair authorization should utilize the [Individual Permit application materials](#). A new Dam Safety General Permit is scheduled to be issued in 2014. Contact Dam Safety Staff at 860-424-3706 for further information.

Which Application Forms and Attachments are Needed?

The following forms or reports are usually needed. See the [IWRD Permit Application Instructions](#) document for details of the forms, notices, and attachments. The links to the forms listed above will open Adobe “pdf” files. Fillable word documents may also be downloaded from the following websites:

[Inland Water Resources Forms and Attachments Page](#)

[DEEP Application Common Forms Page](#)

Most of these forms and reports are prepared by the engineer / consultant and in some cases certified and P.E. stamped:

- DEEP’s [Permit Application Transmittal Form](#): Always required. Check off the permits being applied for and total the application fees. Note there is no fee for a dam safety individual permit application.
- [Permit Application for Programs Administered by the Inland Water Resources Division](#): Always Required. Complete the IWRD Application form and check off whatever permits are being applied for and which attachments are included.
- [Certification of Notice Form - Notice of Application](#): this is required to notify the public that you have applied for a DEEP permit and the affidavit needs to be sent in to the dam safety staff processing the application as soon as possible.

The following is a listing of the typical attachments included with the individual permit application. The attachments can become extensive for large projects. Note: forms when available will be in both

MS Word and pdf formats from [Inland Water Resources Forms and Attachments Page](#) . When a form is available, the descriptions below will so indicate.

- **Attachment A, Executive Summary.** Required for all applications. This is a brief narrative that should describe the existing conditions, proposed conditions and necessity of the project.
- **Attachment B, Location Map.** Required for all applications. USGS Map or Map with road names, landmarks, watercourses, water bodies, and site clearly labeled.
- **[Attachment C](#), Documentation Form for Inland Wetlands and Watercourses.** Form available. This attachment is required when a 401 Water Quality Certification is being submitted with the dam safety permit.
- **[Attachment D](#), Documentation Form for Water Diversion Permits.** Form available. This attachment is not needed for repairs/modifications to and removal of existing dams. For construction of new dams, this attachment is often required. Check with Inland Water Resources Division's Environmental Analysis section for additional guidance by calling IWRD's main number: (860) 424-3706.
- **[Attachment E](#), Documentation Form for a Dam Construction Permit.** Form available. This attachment is required for all Dam Safety applications.
- **[Attachment F](#), Documentation Form for Flood Management Certification.** Form available. This attachment is only required if your project is in a FEMA mapped floodplain and is funded by monies either from the State of Connecticut or that are administered or sponsored by any State agency. Only State Agencies may file a Flood Management Certification. Public Act 13-197 effective October 1, 2013 removed the requirement for a separate filing of a Flood Management Certification when filing for a dam safety permit.
- **Attachment G, Plans and Specifications.** Finalized plans showing the proposed project are required. These documents must be prepared and sealed by a licensed professional engineer familiar with dam safety engineering. Scales should be appropriate to show all information clearly. Design plans usually include an overall site plan view of the existing conditions with proposed improvements shown with labels to indicate the work. Profiles, cross sections, and detail views are typically needed. In addition, the plans should include but not be limited to the following:
 - A Sequence of Construction is recommended for all projects and should be shown on a plan sheet. The sequence should include all the steps of the Water Handling Plan including proposed drawdown timing and depth of drawdown. The goal would be to construct the project with the minimum drawdown depth and duration (except for a dam removal).
 - Water Handling Plan. Locations of any coffer dams, diversion pipes, pumps, and discharge areas should be shown.
 - Show all proposed erosion control/ sediment containment measures which should be in accordance with the 2002 Connecticut Erosion & Sediment Control Guidelines (or latest). The goal being to minimize and eliminate the downstream release of sediment from the project into the waterway below the dam.
 - If there is a lot of sediment up against the dam, a plan for handling the sediment is required. Plans should show stockpile and staging areas if sediment removal is proposed.

Note: other DEEP permits may be required to remove and transport contaminated sediment.

- Soil specifications for embankment zones. Compaction specifications. Concrete specifications. Construction testing requirements should be shown.
- FEMA Floodplain and floodway lines.
- Areas of State and Federal Wetlands that are being filled or modified. These areas must be clearly identified on the plan as cross hatched or shaded areas and the square footage of temporary and permanent impact indicated by labels and summarized in a table.
- Staging areas for equipment and materials storage located above the floodplain where possible.
- **Attachment H, Engineering Documentation.** In general, the engineering report included with dam safety applications should summarize information about the dam's ability to safely discharge the design storm with freeboard and discuss the stability of the dam during the design storm. The report should present and discuss the proposed design and the solution which will bring an existing dam up to a safe condition in terms of hydraulics and stability. In a repair, all significant deficiencies and their resolutions should be discussed in this report and these proposed solutions shown on the plans. A full review of all available reports, studies and information is recommended before undertaking costly engineering analysis. The DEEP Dam Safety files are publicly available in Hartford and should be reviewed for existing reports and studies which may in some cases be used in the design. Please note the following:
 - Refer to additional engineering guidance available separately from the Association of State Dam Safety Officials (ASDSO), Army Corps of Engineers (ACOE), Federal Emergency Management Agency (FEMA), and the Natural Resources Conservation Service (NRCS). These agencies all have information on the internet.
 - The DEEP Dam Safety Program will be issuing engineering guidance in the future. This will include a discussion of the recommended design storms and freeboard and selection of suitable rainfall data. Currently, DEEP Dam Safety defers to the existing ACOE design storm guidance with a minimum 100-year design storm and one foot of freeboard. DEEP Dam Safety suggests that when evaluating spillway capacity, the newer rainfall data from the Northeast Regional Climate Center (<http://precip.eas.cornell.edu/>) be consulted as it shows considerably more rain during a 100-year return frequency event. When evaluating and using H&H studies which were based on older rainfall data for spillway sizing or elevation of the top of a dam, we suggest that additional freeboard be included in the design. This way, the repaired dam will meet a possible future guidance and requirement for freeboard using the newest rainfall data.
 - If Hydrologic & Hydraulic (H&H) Analysis also called a Spillway Analysis and/or stability analyses are necessary, include well documented model output for the existing and selected alternative along with concise narrative clearly explaining the modeling and results. We strongly recommend using the newer precipitation data. A table presenting the existing condition and proposed improvements including impoundment and embankment (top of dam) elevations and freeboard associated with the design storm is recommended.

- Bidding documents, detailed specifications, and contract information are not expected in this report. Project detailed specifications for bidding if included must match details shown on the design plans included with Attachment G.
- For dam removal applications, it may be appropriate to include the [Engineering Report Checklist- part 1](#) and the [Hydrologic and Hydraulic Consistency Worksheet - part 2](#). For dam removals, you can refer to the [Hydraulic Analysis Guidance Document](#) available on the DEEP website, as it pertains to the riverine hydraulic analysis necessary for alterations to flow profiles. In most cases the checklist and worksheet are not needed and not applicable for Dam repair applications that are not altering the hydraulics of a riverine system. If in doubt, contact Dam Safety staff to clarify when these are needed.
- **Attachment I**, Flood Contingency Plan is required. This plan is a brief action plan for the worst case scenario that could occur during the construction of the permitted repairs. For example, the dam has been excavated to the bottom to replace the outlet pipe and a heavy rain event occurs at that time. What should be done to protect the dam, project, and personnel? What materials should be available on site for emergency response? Who should monitor the weather, etc? This plan will be reviewed by the dam safety staff for appropriateness to the project. Before work begins on the project, the plan must be reviewed, updated, if needed, and signed off by the contractor, the owner, and the engineer overseeing the project. A copy of the signed version must be submitted to Dam Safety before work begins.
- **Attachment J**, Soil Scientist Report. This report from a Soil Scientist is needed to perform a wetland and watercourse delineation when there are any impacts, permanent or temporary, to wetlands or watercourses. Such delineations should identify both state and federal wetlands and watercourse boundaries/limits. As mentioned above, the selected design should strive to avoid and minimize impacts to wetlands and watercourses.
- **Attachment K**, Environmental Report. Include all environmental analysis including:
 - [Natural Diversity Database Review Request](#) (if applicable) and the results of the review and a discussion of how any identified species will be protected must be incorporated into the design and scheduling of the project.
 - [DEEP Inland Fisheries Division](#)'s Consultation Information Form for Dam Safety. The results of the fisheries review for fishway and fisheries environmental concerns should be incorporated into the design and scheduling for the project.
 - Wetlands functions and values report. This may be required in cases where there is significant loss of wetlands or modifications to the wetlands associated with the project.
 - Army Corps of Engineers Permit. If their General Permit category 1 is applicable, coverage should be obtained and confirmed before applying for this permit and copies of the application and confirmation included in the Environmental Report. If Category 2 is applicable or an individual permit is required by the ACOE, it may not be practical to include confirmation here but make a note of the pending application with the ACOE.
- **Attachment L**, Mitigation Report. This will be required when it is proposed or required to mitigate or compensate for loss of wetlands.
- **Attachment M**, Alternatives Assessment. A brief discussion of the alternative designs is needed along with reasons for choosing the selected alternative.

- [Attachment N](#), Applicant Compliance Information is required. Form available.
- [Attachment O](#), Applicant Background Information is required. Form available.
- **Attachment Q**, Other Information. This is used for documents that may be relevant to the dam safety application, that provide further clarity, but do not fit in other parts of the application. An example would be a report regarding the historic preservation interests in the project.

Procedure for Application Coordination and Submission:

1. During project planning and prior to submitting the Dam Safety Permit application, complete the State Natural Diversity Database (NDDB) Review process described above and incorporate the recommendations if applicable. The NDDB Review is typically valid for 12 months from the date of the response letter.
2. During project planning and prior to submitting the Dam Safety Permit application, complete the DEEP Inland Fisheries Division Consultation process described above and incorporate any recommendations provided.
3. Determine which ACOE permit you will need before applying for the Dam Safety permit.
 - a. If your project is eligible for Category 1 under ACOE's Connecticut General Permit, obtain confirmation from ACOE before submitting the Dam Safety application.
 - b. If your project is eligible for Category 2 under ACOE's Connecticut General Permit, then the Connecticut Addendum should be applied for in the same application as the dam safety permit. If the ACOE requires an individual permit, that application should be made to the ACOE and the State Water Quality Certificate should be applied for in the same application as the dam safety permit.
4. Submit the Application(s) with all the attachments along with a check for the total of any applicable fees. The application is submitted to the DEEP Central Permit Processing Unit, not to the staff of the individual programs or commissioner or division director. Sending the application to anyone other than the Central Permit Processing Unit will cause delays in the processing.
5. At the same time as the application is submitted, publish a Notice of Application in the legal notice section of a local newspaper of general circulation in the town(s) affected. The specific language to use is provided below. This notice will inform the public of the intent to obtain a permit to work on the dam, construct a new dam, or remove an existing dam. The applicant must obtain an Affidavit of Publication from the newspaper. A form is available to use, (see the next section). In addition, the applicant is required to send a copy of the newspaper notice to the chief elected official(s) of the town(s) in which the dam is located. Please use the following text to prepare your Notice of Application to be published in the legal notices of the local newspaper. Remove the small italicized instructions and other text that is not applicable. Proof read before submitting:

Notice of Permit Application

Town(s): *[LIST ALL TOWNS IN WHICH THE DAM and IMPOUNDMENT ARE LOCATED]*

Notice is hereby given that *[INSERT NAME OF APPLICANT]* (the “applicant”) of *[INSERT ADDRESS OF APPLICANT HERE]* has submitted to the Department of Energy and Environmental Protection a Dam Safety permit application under Connecticut General Statutes Section(s): 22a-403 (Permits for Construction); *[INSERT THE FOLLOWING IF A WQC IS ALSO BEING APPLIED FOR: [“and section 401 of the Federal Clean Water Act, 33 U.S.C. sec. 1341”]* for a permit to repair or alter a dam, *[construct a new dam]* *[remove a dam]* *[SELECT ONLY THE TEXT THAT DESCRIBES THE PERMIT(S) REQUESTED IN THE APPLICATION - and conduct an activity in a wetland or watercourse. Specifically, the applicant proposes to [INSERT A BRIEF DESCRIPTION OF THE PROPOSED ACTIVITY AND ITS PURPOSE].* The proposed activity will take place at *[INSERT THE NAME OF DAM AND ASSOCIATED IMPOUNDMENT, ADDRESS AND/OR LOCATION DESCRIPTION, INCLUDE TOWN(S), NAME OF WATERCOURSE].* The proposed activity will potentially affect: *[INSERT ANY NATURAL RESOURCES POTENTIALLY AFFECTED BY SUCH ACTIVITY (E.G. IMPOUNDMENT NAME, NAME OF WATERCOURSE(S), WETLAND(S)].* Interested persons may obtain copies of the application from the applicant at the above address. The application is available for inspection at the Department of Energy and Environmental Protection, Inland Water Resources Division, 79 Elm Street, Hartford, CT 06106-5127, telephone 860-424-3076, from 8:30am to 4:30pm Monday through Friday.

6. Submit the Affidavit of Publication from the newspaper along with a completed Certification of Notice Form - Notice of Application in accordance with the instruction found at the following website: [Public Notice Requirements for Permit Applications](#). This can be sent to the lead staff person reviewing the application, if known. If the assigned staff is not known, please send the document to: Arthur P. Christian II, Inland Water Resources Division, 79 Elm Street, Hartford, CT 06106.
7. Upon receipt of the Certification of notice form, the DEEP staff from the programs involved in the application will begin review and processing of the application.
8. Once the permit application has been reviewed and tentatively approved, the DEEP Commissioner will publish a newspaper legal notice of the DEEP’s intention to issue the permit and begin a thirty (30) day public comment period. The text of the notice and the draft permit will be posted on the DEEP website. The cost of this newspaper notice will be invoiced to the applicant. Be sure to pay the invoice before the close of the comment period to avoid a possible delay in the issuance of the permit.
9. *Public Comment Period.* The DEEP’s newspaper notice of the department’s intent to issue a permit also known as a “Notice of Tentative Determination” starts a mandatory 30-day public comment period which will allow the public an opportunity to comment on the proposed project and possibly intervene by petitioning for a hearing. While public hearings are rare on dam repair applications, it is possible and could create considerable delay and additional expense if there are objections to the proposed project. New dams and dam removals are more likely to trigger public comment and hearings which suggests that it may be prudent to initiate

a public outreach to potentially affected persons to solicit their input into the project in the early planning stage. When the 30 day comment period expires without receipt of comments or a petition for a hearing, the permit will be issued.

Should we meet?

DEEP Dam Safety staff are available to discuss your proposed work and the permitting requirements. You may contact any of the DEEP Dam Safety Staff by calling the main number (860) 424-3706. We may suggest a meeting at the site to discuss the project.

If you are proposing maintenance and non-substantial repair work or want confirmation that your dam has a negligible hazard classification, please contact us to go over the work and confirm that it is indeed allowable to conduct the work without a DEEP Dam Safety permit. It is not advisable to conduct significant repair work without a permit. If the situation has become critical and immediate repairs are necessary, contact the dam safety program immediately. The department has the authority to issue an Emergency Authorization if warranted.

Pre Application Meeting:

Larger dam repair projects involving impoundment drawdown, fisheries concerns, endangered species presence, and wetlands filling will usually require permits from multiple permit programs. These projects probably should be discussed in a pre-application meeting unless your consultant is very familiar with all the various program requirements. As stated above the NDDB and Fisheries issues should be identified and addressed early on and before a pre-application meeting, whenever possible. With those issues identified, the pre-application meeting will be more productive as we will be able to discuss more specific engineering design and permit application issues. It is best to determine what is required and what is not, as it is costly to prepare and submit reports that are not actually needed. If necessary we will assemble staff from other DEEP IWRD programs and may recommend that the pre-application meeting is coordinated with staff from the Army Corps of Engineers.

The dam owner should have an engineer retained before a pre-application meeting is held. The dam owner and the engineer should both attend because decisions made at the meeting can alter the project and incur savings or additional costs. All information generated for the project should be brought to the meeting, including plans, studies, reports, and designs. Typically the engineer will present the proposed project and then the discussion will proceed into the permitting requirements and other issues associated with the project. When calling or emailing to set up a meeting, we will try to cover the essential issues to make sure the meeting will prepare all parties for a successful application process.