

WATER QUALITY CERTIFICATE

Certificate No.: 201507892-SJ

Municipality: Milford

Work Area: Milford Harbor Federal Navigation Project

Certificate Holder: U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742

Pursuant to section 401 of the Federal Clean Water Act, as amended, Section 307 of the Federal Coastal Zone Management Act and Volume 15 of the Code of Federal Regulations, Part 930, Federal Consistency with approved Coastal Management Programs; and in accordance with section 22a-98 of the Connecticut General Statutes (“CGS”) and the Connecticut Water Quality Standards effective February 25, 2011, a water quality certificate (“certificate”) and Federal coastal zone management consistency concurrence are hereby granted by the Commissioner of Energy and Environmental Protection (“Commissioner”) to conduct maintenance dredging for improved navigation as is more specifically described below in the SCOPE OF AUTHORIZATION, off property identified as the “work area” above.

*******NOTICE TO CERTIFICATE HOLDERS AND CONTRACTORS*******

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE CERTIFICATE HOLDER ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS CERTIFICATE. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS CERTIFICATE MAY SUBJECT THE CERTIFICATE HOLDER AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

SCOPE OF AUTHORIZATION

The Certificate Holder is hereby authorized to conduct the following work as described in application #201507892-SJ, including two sheets of undated plans, submitted by the Certificate Holder to the Commissioner and attached hereto, as follows:

1. maintenance dredge approximately 14,000 cubic yards of material from a federally

authorized 10' deep channel; and

2. place the sediment in the nearshore waters south of Bayview Beach off Milford.

SPECIAL TERMS AND CONDITIONS

1. Unconfined in-water excavation, dredging, filling or removal of debris or other material is prohibited between April 1st and May 15th, and between June 30th and September 30th, of any year unless otherwise authorized in writing by the Commissioner. The specific closure dates are as follows: April 1st through May 15th in order to protect alewife migration; and June 30th through September 30th in order to protect spawning shellfish.
2. The Certificate Holder shall, not later than 30 days prior to the commencement of dredging, submit signed and sealed plans to the Commissioner.
3. The Certificate Holder shall notify the owners/lessees of shellfish lots L-639 and L-634 of the intent to use the nearshore placement site at least four weeks prior to the expected use date. A copy of such notification shall be submitted to the Commissioner along with Appendix A, required in SPECIAL TERMS AND CONDITIONS, paragraph 4., below.
4. Not later than four weeks prior to the commencement of any work authorized herein, the Certificate Holder shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of all contractor(s) employed to conduct such work and the expected date for commencement and completion of such work, if any.
5. Not later than two weeks subsequent to the completion of any dredging activity authorized herein, the Certificate Holder shall submit to the Commissioner a completed Dredging Report on the form attached hereto as Appendix C. A separate form shall be submitted by the Certificate Holder for each distinct dredging activity conducted pursuant to this authorization.
6. The Certificate Holder shall give a copy of this certificate to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Certificate Holder's contractor(s) shall conduct all operations at the site in full compliance with this certificate and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this certificate. At the work area the contractor(s) shall, whenever work is being performed, make available for inspection a copy of this certificate and the final plans for the work authorized herein.
7. Sediment dredged pursuant to this authorization shall not be sold nor shall any fee for its use be charged without the express prior written authorization of the Commissioner and payment of a \$4.00 per yard royalty to the State of Connecticut Department of Energy and Environmental Protection, pursuant to CGS section 22a-361(e).
8. The Certificate Holder shall dispose of aquatic sediments in accordance with the terms and conditions of this certificate.

9. Dragging the bottom with a spoil barge, scow, vessel, beam or similar equipment outside of the area authorized by this certificate to be dredged or excavated is prohibited.
10. Sidecasting or in-water rehandling of dredged or excavated material is prohibited.
11. Spoil scows or barges shall be loaded and navigated in a manner which prevents uncontrollable motion or spillage and washout of dredged or excavated materials.
12. The Certificate Holder shall not dispose of dredged or excavated material as authorized unless said disposal is supervised and witnessed by an on-board inspector or documented by an automated disposal monitoring program.
13. On or before ninety (90) days after completion of the work authorized herein, the Certificate Holder shall submit to the Commissioner an “as-dredged” survey of the work area showing contours, bathymetries, and tidal datums. Such survey shall be the original one and be signed and sealed by an engineer, surveyor or architect, as applicable. A maximum overdredge of 2.0’ may be considered in substantial compliance with this certificate.
14. On or before ninety (90) days after completion of the sediment placement authorized herein, the Certificate Holder shall submit to the Commissioner a post-disposal survey of the nearshore placement site showing contours, bathymetries, and tidal datums. Such survey shall be the original one and be signed and sealed by an engineer, surveyor or architect, as applicable.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this certificate shall be completed within five (5) years from date of issuance of this certificate (“work completion date”) in accordance with all conditions of this certificate and any other applicable law.
 - a. The Certificate Holder may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least thirty (30) days prior to said work completion date. Such request shall describe the work done to date, what work still needs to be completed, and the reason for such extension. It shall be the Commissioner’s sole discretion to grant or deny such request.
 - b. Any work authorized herein conducted after said work completion date or any authorized one year extension thereof is a violation of this certificate and may subject the Certificate Holder to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Certificate Holder shall not deviate from the attached plans, as may be modified by this certificate. The Certificate Holder shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The Certificate Holder may not conduct work waterward of the coastal jurisdiction line or in tidal wetlands at this certificate site other than the work authorized herein, unless otherwise

- authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
4. The Certificate Holder shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363g.
 5. In undertaking the work authorized hereunder, the Certificate Holder shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this certificate, "pollution" means "pollution" as that term is defined by CGS section 22a-423.
 6. Upon completion of any work authorized herein, the Certificate Holder shall restore all areas impacted by construction, or used as a staging area or access way in connection with such work, to their condition prior to the commencement of such work.
 7. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this certificate. No change in the purpose or use of the authorized work or facilities as set forth in this certificate may occur without the prior written authorization of the Commissioner. The Certificate Holder shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this certificate, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
 8. The Certificate Holder shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this certificate.
 9. This certificate is not transferable without prior written authorization of the Commissioner. A request to transfer a certificate shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Certificate Holder's obligations under this certificate shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
 10. Any document required to be submitted to the Commissioner under this certificate or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Energy and Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054
 11. The date of submission to the Commissioner of any document required by this certificate

shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this certificate, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this certificate, the word "day" as used in this certificate means calendar day. Any document or action which is required by this certificate to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.

12. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this certificate shall be signed by the Certificate Holder 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 and 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, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
13. In evaluating the application for this certificate the Commissioner has relied on information and data provided by the Certificate Holder and on the Certificate Holder's representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this certificate may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
14. In granting this certificate, the Commissioner has relied on representations of the Certificate Holder, including information and data provided in support of the Certificate Holder's application. Neither the Certificate Holder's representations nor the issuance of this certificate shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
15. In the event the Certificate Holder becomes aware that they did not or may not comply, or did not or may not comply on time, with any provision of this certificate or of any document required hereunder, the Certificate Holder shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Certificate Holder shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Certificate Holder shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Certificate Holder shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically

stated by the Commissioner in writing.

16. This certificate may be revoked, suspended, or modified in accordance with applicable law.
17. The issuance of this certificate does not relieve the Certificate Holder of their obligations to obtain any other approvals required by applicable federal, state and local law.
18. This certificate is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Issued on _____, 2016

STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Michael Sullivan
Deputy Commissioner

Certificate #201507892-SJ
U.S. Army Corps of Engineer