

## **Information for Exide Meeting**

**General Permit for Coastal Remedial Activities Required by Order** (DEP-LIS-GP-009): This general permit applies to remedial activities waterward of the coastal jurisdiction line or in tidal wetlands which have been required by state or federal enforcement actions. Registration is required to be submitted *and* approved in writing by the Department in order for the activities to be authorized by this general permit. Approval of Registrations are transferrable.

The General Permit pertains to Office of Long Island Sound's General Permit for Coastal Activities Required by Order (Section 22a-361(d) of the General Statutes of Connecticut). The General Permit review process for sites under order is allowed by statute. For the General Permit, an order is defined as "any consent order, removal order, cease and desist order, or any other enforcement action taken by the commissioner under authority of sections 22a-6, 22a-7, 22a-108, 22a-178, 22a-181, 22a-225, 22a-428, 22a-430, 22a-431, 22a-432, 22a-433, or 22a-449 of the General Statutes, or under any other authority available by law or any enforcement action taken by the U.S. Army Corps of Engineers ("Corps") or the federal Environmental Protection Agency ("EPA"); or any order entered by a state or federal court of competent jurisdiction pursuant to an enforcement action taken by the commissioner, the Corps, or EPA."

**What is considered a "Remedial Activity":** any dredging, construction, placement of fill, obstruction or encroachment of work incidental thereto, or any other work the purpose of which is to restore a site or habitat to its natural condition, to correct a violation of law, to remove an unauthorized structure, fill, obstruction or encroachment, or to conduct remediation as defined by Section 22a-133k-1 of the Regulations of State Agencies.

**Construction/Use Requirements (not inclusive):** work notification; work in accordance with general permit; restore any staging area or accessway to prior condition.

**Environmental Criteria (not inclusive):** solid waste disposed of as required by law; cannot threaten the continued existence/habitat of any listed, threatened or endangered species; cannot adversely impact fish, shellfish, wildlife, and coastal resources and habitats.

**How long is the General Permit Valid For:** Activities authorized by this general permit shall be completed within three years from the date of the approval of registration.

### **OLISP permit review process is as follows:**

- 1) review the general permit application and plans;
- 2) evaluate the proposed construction methodology;
- 3) require any additional information if necessary;
- 4) coordinate with ACOE;
- 5) coordinate with DEEP departments (Remediation, Aquaculture, Fisheries, Wildlife Department, and any other internal DEEP staff);
- 6) condition permit appropriately (i.e. work closure periods, construction methodology, monitoring, disposal, dewatering).

**Based on a review of the existing General Permit & approved SedRap:**

- The Army Corps issued PGP #NAE-2011-2074 on September 18, 2012, authorizing the proposed dredging. The ACOE included conditions in their permit. This permit becomes effective when DEEP issues state permit.
- DEEP Department of Agriculture/Bureau of Aquaculture is requiring a work closure period from May 1- October 1, for Area III: Downstream Area (north of spillway and tide gates) and Area IV: Southport Harbor Area, in order to protect spawning shellfish. This will be included as a condition in the general permit.
- DEEP Fisheries is requiring a work closure period from April 1 through June 30 in Area IV and Area II (Cell #2), and during that same period Cell #1 in Area III must not block passage over the adjacent section of the dam from one hour before high tide to one hour after high tide. Also, allow dredging during a continuous 12 hour period each 24 hour period, with no work allowed during the remaining 12 hour period. This is so to not interfere with anadromous fish migration. This will be included as a condition in the general permit.