



## PERMIT

Permittee: City of Meriden  
142 East Main Street, Meriden, CT 06450

Attention: Brian Ennis, P.E.

Permit No: DS-20210075

Municipality: Meriden

Project: Beaver Pond Dam (DEEP ID# 8010, Hazard Class B, Significant Hazard)

Waters: Beaver Pond & Belcher Brook

Pursuant to Connecticut General Statutes Section 22a-403, the Commissioner of Energy and Environmental Protection ("Commissioner") hereby grants a permit to City of Meriden ("the Permittee") to construct the repairs of the Beaver Pond Dam. The purpose of the project is to repair an existing dam.

### AUTHORIZED ACTIVITY

Specifically, the permittee is authorized to perform the following: replace the existing concrete culvert spillway with a new concrete drop inlet spillway consisting of a 48-inch discharge pipe. The trees will be cleared from the embankments, the downstream slope will be flattened to 3 to 1 and upstream slope will be protected from erosion with riprap. The existing low-level outlet pipe will be replaced with a new 16-inch low level outlet controlled by a stainless steel slide gate installed in the drop inlet spillway structure. The new spillway will have increase in length from 4 feet to 16 feet, and be capable of safely passing the 1/2 Probable Maximum Flood with 0.2 feet of freeboard. An eel passage has been incorporated into the design of the outlet drop-structure.

Impacts to the wetlands and watercourse will result from the installation of a cofferdam, extension of the downstream slope of the dam, installation of the new outlet, and addition of riprap on the upstream side of the dam. There will be a loss of 4,670 square feet of wetland at the toe of the dam.

Dewatering with a cofferdam will be achieved through a 3-foot drawdown over a period of three months.

The activities proposed will impact Belcher Brook and Beaver Pond.

All activities shall be conducted in accordance with plans entitled: "Reconstruction of Beaver Pond Dam" dated August 2020 which was prepared by Tata & Howard, Inc.

This authorization constitutes the licenses and approvals required by Section 22a-403 of the Connecticut General Statutes.

This authorization is subject to and does not derogate any present or future property rights or other rights or powers of the State of Connecticut, 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 thereby.

*The permittee's failure to comply with the terms and conditions of this permit shall subject the permittee, including the permittee's agents or contractor(s) to enforcement actions and penalties as provided by law.*

This authorization is subject to the following conditions:

**CONDITIONS:**

1. **Expiration.** This Dam Safety Permit shall expire three years following the date of issue unless this permit is specifically renewed.
2. **Construction Commencement and Completion.** If construction authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such time as may be authorized by the Commissioner.
3. **Notification of Project Initiation and Impoundment Drawdown.**
  - a. The permittee shall notify the Commissioner in writing at [DEEP.DamSafety@ct.gov](mailto:DEEP.DamSafety@ct.gov) no less than seven (7) days prior to commencement of permitted activities and no less than seven (7) days following completion of permitted activities.
  - b. The permittee shall, pursuant to Section 22a-377(b)-1(a)(16)C of the Regulations of Connecticut State Agencies, notify the Commissioner and any potentially affected water company in writing at least seven (7) days prior to the lowering of the existing impoundment for the purpose of undertaking permitted activities.
  - c. The Department of Energy and Environmental Protection shall be notified at least forty-eight (48) hours prior to drawdown of the impoundment, in accordance with Section 26-138 of the Connecticut General Statutes. Such notification shall be made to the Fisheries Division, 79 Elm Street, Hartford, CT 06106-5127, and telephone no. 860-424-3474.

4. **De minimis Alteration.** The Permittee shall not deviate from the authorized activity without prior written approval from the Commissioner. The Permittee may request a de minimis change to any authorized structure, facility, or activity. A de minimis alteration means a change in the authorized design, construction or operation that individually and cumulatively has minimal additional environmental impact and does not substantively alter the project as authorized.
5. **Accuracy of Documentation.** In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. **Best Management Practices & Notification of Adverse Impact.** In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. Best Management Practices include, but are not limited, to practices identified in the *Connecticut Guidelines for Soil Erosion and Sediment Control* as revised, *2004 Connecticut Stormwater Quality Manual*, Department of Transportation's *ConnDOT Drainage Manual* as revised, and the Department of Transportation Standard Specifications as revised.

The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.

Drawdown of the impoundment shall be limited in extent and duration to that necessary to complete the permitted activities.

7. **Reporting of Violations.** The permittee shall, no later than 48 hours after the permittee learns of a violation of this permit, report same in writing to the Commissioner. Such report shall contain the following information:
  - a. the provision(s) of this permit that has been violated;
  - b. the date and time the violation(s) was first observed and by whom;
  - c. the cause of the violation(s), if known
  - d. if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
  - e. if the violation(s) has not ceased, the anticipated date when it will be corrected;
  - f. 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;

- g. the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify said report in accordance with condition 11 of this permit.
8. **Material Storage in the Floodplain.** The storage of any materials at the site which are buoyant, hazardous, flammable, explosive, soluble, expansive, radioactive, or which could in the event of a flood be injurious to human, animal or plant life, below the elevation of the five-hundred (500) year flood is prohibited. Any other material or equipment stored at the site below said elevation by the permittee or the permittee's contractor must be firmly anchored, restrained or enclosed to prevent flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day.
9. **Permit Transfer.** This permit is not transferable without the prior written consent of the Commissioner.
10. **Contractor Notification.** The permittee shall give a copy of this permit 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 permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
11. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee or a responsible corporate officer of the permittee, a general partner of the permittee, 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 the 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 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 and in accordance with any other applicable statute.”
12. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

[DEEP.DamSafety@ct.gov](mailto:DEEP.DamSafety@ct.gov)

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the

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

13. **Rights.** This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.

14. **DAM SAFETY CONDITIONS**

- a. This permit and a copy of the approved plans and related permit application materials shall be kept at the project site and made available to the Commissioner at any time during the construction of permitted activities.
- b. Active land and tree clearing will be limited to April 1st to October 31st (see Condition 15b for the Eastern box turtles). Permitted dam reconstruction activities shall be performed under the supervision of an engineer who is licensed to practice in the State of Connecticut and who is familiar with dam construction. Said engineer shall, upon completion of the permitted activities, certify to the Commissioner in writing that the permitted activities have been completed according to the approved plans and specifications.
- c. Within thirty (30) days of completion of the permitted activities, permittee shall submit to the Commissioner record drawings depicting the dam construction as completed, including any deviations from the approved plans and specifications. Said drawing shall be prepared and sealed by the engineer who oversaw the construction. In addition, the permittee shall arrange for submission of an electronic copy of the final record drawings in Adobe Acrobat "pdf" format.
- d. Within six (6) months of the issuance of this permit, the permittee shall submit an Emergency Action Plan (EAP) prepared by a professional engineer licensed to practice in the State of Connecticut. The EAP shall be submitted in both pdf and paper format.
- e. Nothing in this permit and no order, approval or advice of the Commissioner, shall relieve any owner or operator of this dam from his legal duties, obligations and liabilities resulting from such ownership or operation. No action for damages sustained through the partial or total failure of any structure or its maintenance shall

be brought or maintained against the state, the Commissioner of Energy and Environmental Protection, or his employees or agents.

- f. **Sequence of Construction and Water Control.** The Sequence of Construction and Water Handling Plan provided in the application shall be utilized by the contractor constructing the dam repair project. If the sequence or water control plan are revised or updated, the revised or updated version of the plan needs to be reviewed by the PE overseeing the construction and a PDF copy of the revised versions must be submitted to the Dam Safety Program to the attention of Dan Lesniewski at: [DEEP.DamSafety@ct.gov](mailto:DEEP.DamSafety@ct.gov) within 48 hours of the revisions.
- g. **Flood Contingency Plan.** The flood contingency plan submitted with the application shall be reviewed by the contractor constructing the dam repair project and if any revisions are made to the plan, the revised or updated version of the plan needs to be reviewed by the PE overseeing the construction and a PDF copy of the revised version must be submitted to the Dam Safety Program to the attention of Dan Lesniewski at: [DEEP.DamSafety@ct.gov](mailto:DEEP.DamSafety@ct.gov) within 48 hours of the revision.
- h. **Unforeseen Conditions.** If during the process of construction, unforeseen conditions are found on the site and the permittee and their engineer determine that it would be appropriate to modify the design, then the permittee shall notify DEEP within 24 hours of any potential design changes to determine if the design modifications will be an activity that can be categorized as a de minimis activity when compared to the permitted design. No work shall take place which was not included as part of the permitted design until DEEP Dam Safety Staff respond to this determination request.

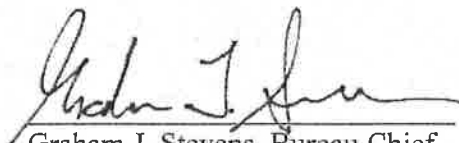
## 15. WILDLIFE CONDITIONS

- a. **Eel Passage.** The Fisheries Division consult form was completed and signed on November 4, 2020 by Tim Wildman, indicating that an eelway is necessary. Therefore, the eel passage was incorporated into the design of the outlet drop-structure.
- b. **Eastern Box Turtle.** There is a known extant population of Eastern box turtles in the area. Active land and tree clearing work will only occur when these turtles are active (April 1<sup>st</sup> to October 30<sup>th</sup>). Conducting land clearing while the turtle is active will allow the animal to move out of harm's way and minimize mortality to hibernating individuals. Additionally, if tree clearing must continue beyond the October 31<sup>st</sup> date, ensure that exclusionary fencing has been installed before October 15<sup>th</sup> and a full sweep has been conducted to remove any animals from inside the fencing. This will ensure that turtles do not set up to overwinter in the work zone. All work, including tree clearing, can continue past November 1<sup>st</sup> within the exclusionary fencing if it is installed before October 15<sup>th</sup>. The following protection strategies are required in order to protect these turtles:

- i. Hiring a qualified herpetologist to be on site to ensure these protection guidelines remain in effect and to prevent turtles from being run over when moving heavy equipment. This is especially important in the month of June when turtles are selecting nesting sites.
- ii. Exclusionary practices will be required to prevent any turtle access into construction areas. These measures will need to be installed at the limits of disturbance.
- iii. Exclusionary fencing must be at least 20 inches tall and must be secured to and remain in contact with the ground and be regularly maintained (at least bi-weekly and after major weather events) to secure any gaps or openings at ground level that may let animals pass through. Do not use plastic or netted silt-fence.
- iv. All staging and storage areas, outside of previously paved locations, regardless of the duration of time they will be utilized, must be reviewed to remove individuals and exclude them from re-entry.
- v. All construction personnel working within the turtle habitat must be apprised of the species description and the possible presence of a listed species and instructed to relocate turtles found inside work areas or notify the appropriate authorities to relocate individuals.
- vi. Any turtles encountered within the immediate work area shall be carefully moved to an adjacent area outside of the excluded area and fencing must be inspected to identify and remove access point.
- vii. The Contractor and consulting herpetologist must search the work area each morning prior to any work being done.
- viii. Any confirmed sightings of box turtles must be reported and documented with NDDB (DEEP.Nddbrequest@ct.gov).

Issued by the Commissioner of Energy and Environmental Protection on:

May 23, 2022  
Date

  
Graham J. Stevens, Bureau Chief  
Bureau of Water Protection and Land Reuse