

Appendix A – Stormwater Regulation

As noted in [Chapter 1 - Introduction](#), this Manual has no regulatory authority but rather provides guidance to address the various regulations (federal, state and local) regarding post-construction stormwater management. This appendix provides a summary of the various stormwater management programs in Connecticut with regulatory authority. The table below summarizes the applicable regulations, provides an overview of the program, and defines the party responsible for implementation (“End User”).

Federal/ State/ Local	Program	Program Overview	End User
Federal	Clean Water Act (CWA) Section 303 Water Quality Standards and Implementation Plans	<p>Under Section 303 of the CWA, states are required to adopt surface water quality standards, subject to review and approval by the U.S. EPA, and identify surface waters that do not meet these water quality standards following the installation of minimum required pollution control technology for point sources discharging to surface water bodies. These impaired water bodies must be ranked by the states and a Total Maximum Daily Load (TMDL) must be established for the pollutant(s) that exceed the water quality standards. A TMDL both specifies a maximum amount of pollutant that the surface water body can receive and allocates that amount, or load, among point and nonpoint sources, including stormwater discharges.</p>	Federal and State
Federal	CWA Section 319 – Nonpoint Source Management Program	<p>CWA Section 319 addresses the need for federal guidance and assistance to state and local programs for controlling nonpoint sources of pollution, including stormwater runoff. Under Section 319, states, territories and Indian Tribes receive federal grant money to support various activities that address nonpoint source pollution control. These activities include technical and direct financial assistance, education, training, technology transfer, demonstration projects, and monitoring to assess the effectiveness of specific nonpoint source implementation projects.</p>	Federal and State
Federal	CWA Section 401 – Water Quality Certification	<p>Section 401 of the CWA requires applicants for a federal license or permit to obtain a certification or waiver from the state water pollution control agency (EPA, states and authorized tribes) for any activity which may result in a</p>	Federal and State

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		<p>discharge into navigable waters of the state or tribal lands, including wetlands, watercourses, and natural and man-made ponds. This waiver certifies that the discharge will comply with the applicable provisions of the CWA and Connecticut’s Water Quality Standards. Examples of federal licenses and permits for which water quality certification is required include U.S. Army Corps of Engineers Section 404 dredge and fill permits, Coast Guard bridge permits, and Federal Energy Regulatory Commission permits for hydropower and gas transmission facilities.</p>	
Federal	<p>Section 402 – National Pollutant Discharge Elimination System (NPDES)</p>	<p>The NPDES program was established under Section 402 of the CWA and specifically targets point source discharges by industries, municipalities, and other facilities that discharge directly into surface waters. Stormwater discharges are addressed under the NPDES Stormwater Program. The NPDES permitting program is administered in Connecticut by DEEP through a series of permits noted below in this table.</p>	Federal and State
Federal	<p>Coastal Zone Act Reauthorization Amendments</p>	<p>Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA) of 1990 (16 U.S.C. §1455b) is designed to address the problem of nonpoint source pollution in coastal waters. Under Section 6217, states and territories with approved Coastal Zone Management Programs, including Connecticut, are required to develop Coastal Nonpoint Source Pollution Control Programs or face funding sanctions in both their coastal programs and their nonpoint programs established under Section 319 of the Clean Water Act.</p>	Federal and State

Federal/ State/ Local	Program	Program Overview	End User
		<p>The program must describe how the state or territory will implement management measures to reduce or eliminate nonpoint source pollution, including stormwater runoff, to coastal waters. These management measures must conform to those described in the U.S. EPA publication Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters.</p>	
State	Connecticut Industrial Stormwater Permit	<p>The General Permit for the Discharge of Stormwater Associated with Industrial Activity ("Industrial Stormwater General Permit") regulates industrial facilities with point source discharges that are engaged in specific activities listed in the permit. To register for this program, these facilities must submit a registration form, and implement a Pollution Prevention Plan (PPP). The PPP must include information about the site, an inventory of exposed materials, a summary of potential pollutants, a description of and schedule for implementation of storm water control methods, storm water monitoring, and site inspection.</p>	State and Permittees
State	Construction Stormwater General Permit	<p>The General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities ("Construction Stormwater General Permit") requires developers and builders to implement a Stormwater Pollution Control Plan to prevent the movement of sediments off construction sites into nearby water bodies and to address the impacts of stormwater discharges from a project after construction is complete.</p>	State and Permittee

Federal/ State/ Local	Program	Program Overview	End User
State	General Permit for the Discharge of Stormwater Associated with Commercial Activity	The General Permit for the Discharge of Stormwater Associated with Commercial Activity ("Commercial General Permit"), found only in Connecticut, requires operators of large paved commercial sites such as malls, movie theaters, and supermarkets to undertake actions such as parking lot sweeping and catch basin cleaning to keep stormwater clean before it reaches water bodies.	State and Permittee
State	General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems	The General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems ("MS4 General Permit") requires each municipality to take steps to keep the stormwater entering its storm sewer systems clean before entering water bodies. One important element of this permit is the requirement that towns implement public education programs to make residents aware that stormwater pollutants emanate from many of their everyday living activities, and to inform them of steps they can take to reduce pollutants in stormwater runoff.	
State	Connecticut Coastal Zone Management Plan	Per the requirements of the federal CZARA (noted above) Connecticut and other coastal zone states are required to have a Coastal Zone Management Plan and an assessment of that plan ever five years after the adoption of said plan. The plans and the assessments there after are required to review nine key elements, one of which is Cumulative and Secondary Impacts, this is where stormwater is assessed and considered.	

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		<p>Additionally, Connecticut management plan includes the Water Quality Certification and Coastal Permit Program, noted below, these permits and water quality certifications are required to consider stormwater impacts. Connecticut's latest assessment can be found here: https://coast.noaa.gov/czm/enhancement/</p>	
State	Coastal Individual Permits ⁹³	<p>The DEEP's Land and Water Resources Division (LWRD) regulates all activities conducted in tidal wetlands and in tidal, coastal, or navigable waters in Connecticut under the Structures, Dredging and Fill statutes, Connecticut General Statutes (CGS) Sections 22a-359 - 22a-363h, inclusive, and the Tidal Wetlands statutes, CGS Sections 22a-28 - 22a-35, inclusive. The major objectives of the permit program are to avoid or minimize navigational conflicts, encroachments into the state's public trust area, and adverse impacts on coastal resources and uses, consistent with Connecticut's Coastal Management Act (CCMA), CGS Sections 22a-90 - 22a-112, inclusive. Certain activities require an "individual" permit specific to the proposed work. These activities typically include new construction and other work for which a detailed review of potential</p>	Permittee, State and Army Corp of Engineers

⁹³ In 2012, the jurisdiction of the coastal zone was modified from the high tide line to a "coastal jurisdiction line" it is anticipated this line will continue to be revised with the updated information regarding sea level rise. See the details of this zone here: <https://portal.ct.gov/DEEP/Coastal-Resources/Coastal-Permitting/Coastal-Jurisdiction-Line-Fact-Sheet>

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		<p>environmental impacts is needed. Many of the applications require a Stormwater Management Plan.</p>	
State	Coastal General Permits¹³	<p>General permits are issued to authorize certain minor activities. Because the environmental impacts of those activities are understood, detailed permit reviews are generally not required. There are three kinds of coastal general permits: Minor Coastal Structures, Coastal Maintenance, and Coastal Storm Response. The following structures and activities may be eligible for authorization through a general permit:</p> <ul style="list-style-type: none"> • Small residential docks having no navigational or environmental impacts • Boat moorings • Osprey nesting platforms and perch poles • Residential flood hazard mitigation • Buoys and markers for navigation and certain recreational activities • Swim floats • Pump-out facilities at marinas • Coastal remedial activities <p>May require a Stormwater Management Plan.</p>	State and Permittee
State	Coastal Certificate of Permissions	<p>The DEEP's Land and Water Resources Division (LWRD) regulates all activities conducted in tidal wetlands and in tidal, coastal, or navigable waters in Connecticut under the Structures, Dredging and Fill statutes, Connecticut General Statutes (CGS) Sections 22a-359 - 22a-363h,</p>	State and Permittee

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		<p>inclusive, and the Tidal Wetlands statutes, CGS Sections 22a-28 - 22a-35, inclusive. The major objectives of the permit program are to avoid or minimize navigational conflicts, encroachments into the state's public trust area, and adverse impacts on coastal resources and uses, consistent with Connecticut's Coastal Management Act (CCMA), CGS Sections 22a-90 - 22a-112, inclusive. Minor activities related to previously authorized work may be eligible for a Certificate of Permission (COP). These activities include maintenance dredging and substantial maintenance of existing structures. In some cases, maintenance of unauthorized activities that were completed prior to specific dates may also be eligible for a COP. In addition, certain environmentally beneficial activities, such as the removal of derelict structures and restoration of degraded tidal wetlands, may be approved through the COP process. COPs are issued within 45 days, or within 90 days if additional information is requested by LWRD to complete its review. COP applications can be completed and submitted through our on-line portal, ezFile. May require a Stormwater Management Plan.</p>	
State	Flood Control Management Certification	<p>Any state agency proposing an activity within or affecting a floodplain or that impacts natural or man-made storm drainage facilities must submit a flood management certification. Such activities include, without limitation: a) any structure, obstruction or encroachment proposed for emplacement within the floodplain area; b) any proposal for site development</p>	State

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		<p>which increases peak runoff rates; c) any grant or loan which affects land use, land use planning or the disposal of state properties in floodplains; or d) any program regulating flood flows within the floodplain. (For more information see: Sections 25-68h-1 through 25-68h-3 of the Regulations of Connecticut State Agencies (RCSA))</p>	
State	Section 401 Water Quality Certification	<p>Under Section 401 of the CWA, States must administer and regulate any applicant for a federal license or permit who seeks to conduct an activity that may result in any discharge into the navigable waters, including all wetlands, watercourses, and natural and man-made ponds. Such persons must obtain certification from DEEP that the discharge is consistent with the federal Clean Water Act and the Connecticut Water Quality Standards. Any conditions contained in a water quality certification become conditions of the federal permit or license. In making a decision on a request for 401 Water Quality Certification, DEEP must consider the effects of proposed discharges on ground and surface water quality and existing and designated uses of waters of the state.</p>	State, Army Corp of Engineers and Permittees
State	Water Diversion Permits	<p>The Water Diversion Program regulates activities that cause, allow or result in the withdrawal from, or the alteration, modification or diminution of, the instantaneous flow of the waters of the state through individual and general permits. The Water Diversion Policy Act is codified in Section 22a-365 through 22a-379 of the Connecticut General Statutes as well as Sections 22a-372-1, 22a-377(b)-1 and 22a-377(c)-1</p>	State and Permittees

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		<p>to 22a-377(c)-2 of the Regulations of Connecticut State Agencies. You must apply for a permit if, among other things, you propose to:</p> <ul style="list-style-type: none"> • withdraw groundwater or surface water in excess of 50,000 gallons of per day; • collect and discharge runoff, including storm water drainage, from a watershed area greater than 100 acres; • transfer water from one public water supply distribution system or service area to another where the combined maximum withdrawal from any source supplying interconnection exceeds fifty thousand (50,000) gallons during any twenty-four hour period; • expand a registered public water supply service beyond a service area as identified (1) within registration documents, (2) in a water supply plan submitted prior to October 1, 2016, or (3) beyond an exclusive service area identified on the Department of Public Health’s 2016 Public Water Supply Management Area maps; • relocate, retain, detain, bypass, channelize, pipe, culvert, ditch, drain, fill, excavate, dredge, dam, impound, dike, or enlarge waters of the state with a contributing watershed area greater than 100 acres; • transfer water from one water supply distribution system to another in excess of 50,000 gallons per day; • or modify a registered diversion. 	

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State	Dam Safety Program	<p>The mission of the DEEP Dam Safety Regulatory Program is to ensure the safety of dams to protect life, property, and the environment by ensuring that all dams are designed, constructed, operated, and maintained safely and effectively. Dam Safety Statutes & Regulations. The Dam Safety Statutes were last substantially revised by Public Act 2013-197, which authorized changes regarding Emergency Action Plans (EAPs) and inspection requirements:</p> <ul style="list-style-type: none"> • Dam owners in the State of Connecticut are now responsible for hiring a consultant to conduct regular dam inspections. • The owners of high hazard (Class C) and significant hazard (Class B) dams must file an EAP every two years. <p>The Dam safety program manages two kinds of permits individual permits and general permits for releases, construction, repairs or other modifications to dams (including stormwater impoundments).</p> <p>This program also requires a 401 certification and thereby, stormwater impacts may need to be considered.</p>	State, Dam Owners and Permittees
State	Standards for Public Drinking Water	<p>Regulations of Connecticut State Agencies 19-13-B102 provide the authority and requirements for the protection of public drinking water. This includes the protection of sources from stormwater, the delineation of protected areas, and when necessary treatment of water supplies when contaminated from stormwater events.</p>	State (DPH)

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State	Connecticut Nonpoint Source Program	<p>As noted above the federal Clean Water Act §319 establishes a national program to control nonpoint sources (NPS) of water pollution. The U.S. Environmental Protection Agency defines NPS pollution as that which is “caused by diffuse sources that are not regulated as point sources and are normally associated with precipitation and runoff from the land or percolation.” To help address NPS pollution, §319(h) authorizes the EPA to award grants to states and tribes with EPA-approved NPS management programs.</p>	State and Grantees
State and Local	Aquifer Protection Area Program	<p>Connecticut’s Aquifer Protection Area Program protects major public water supply wells in sand and gravel aquifers to ensure a plentiful supply of public drinking water for present and future generations. Aquifer Protection Areas (sometimes referred to as “wellhead protection areas”) are being designated around the state’s 127 active well fields in 80 Towns in sand and gravel aquifers that serve more than 1000 people. Land use regulations will be established in those areas to minimize the potential for contamination of the well field. The regulations restrict development of certain new land use activities that use, store, handle or dispose of hazardous materials and requires existing regulated land uses to register and follow best management practices.</p> <p>The Aquifer Protection Area Program responsibilities are shared by the state DEEP, the municipalities and the water companies.</p>	State and Municipalities

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		<p>The municipal aquifer protection manual includes consideration of stormwater management plans.</p>	
Local	<p>Inland Wetlands and Watercourse Act</p>	<p>The Act creates a land-use regulatory process which considers the environmental impacts of proposed development activities. A person proposing to conduct an activity that will likely impact or affect an inland wetland or watercourse must first obtain a permit from the municipal inland wetlands agency. In the case of a state agency activity, or when an activity is conducted on state land, a permit is required from the Department of Energy and Environmental Protection (DEEP). Assisted by the State, Connecticut’s 169 municipalities apply and enforce the law through a local Wetlands Agency.</p>	State, Local and Permittees
Local	Municipal Zoning and Planning	<p>Post construction stormwater controls must be considered for many projects to be approved by the local municipal zoning and planning commissions. Considerations for impacts on receiving waters are an important element of the commissions’ reviews.</p>	Local