

7. Permits, Approvals, and Certifications

Chapter 7 identifies federal and state coordination, permits, approvals, and certifications required for construction and operation of the Preferred Alternative.

CTDOT will be responsible for applying for and obtaining federal and state approvals for the construction and operation of the Preferred Alternative. Throughout the preparation of the EA/EIE, CTDOT has conducted coordination efforts with federal, state, and local agencies to identify issues and concerns associated with the bridge replacement. CTDOT will apply to federal and state agencies for permits and authorizations at approximately the project’s 60 percent design phase. Permits and approvals likely applicable to the project are identified in Sections 7.1 and 7.2.

7.1. Federal Requirements

Table 7-1 lists federal requirements for the construction and operation of the Preferred Alternative, consisting of project coordination, reviews, permits, and notices. Also included is the agency responsible for issuing the approval/permit.

Table 7-1—Federal Requirements for Project Construction and Operation

Federal Regulation	Issuing Agency	Approval/Permit
National Environmental Policy Act (42 USC 4321 et seq)	FTA	Review and Finding
Section 4(f), U.S. Department of Transportation Act (49 USC 303)	FTA	Individual Evaluation and Finding for potential use of Section 4(f) properties
Executive Order 11988, Floodplain Protection, as amended by Executive Order 13690, Federal Flood Risk Management	FTA	Review for impact to floodplain
Executive Order 11990, Wetlands Protection	FTA	Review for impact to wetlands
Executive Order 12898, Environmental Justice	FTA	Review for assessment of impact to EJ communities
Clean Air Act (42 USC 7401 et seq)	FTA	Conformity Determination
Section 106, National Historic Preservation Act (36 CFR 800)	FTA	Memorandum of Agreement
Section 7, Endangered Species Act (16 USC 1531 et seq)	NOAA/NMFS	Biological Evaluation
Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1801 et seq)	NOAA/NMFS	Essential Fish Habitat Assessment
Coastal Zone Management Act/Connecticut Coastal Management Act (16 USC 1451 et seq)	CTDEEP	Consistency Review
Section 9 of the Rivers and Harbors Act (33 USC 491)	USCG	Permit for construction of new bridge
Section 10 of the Rivers and Harbors Act (33 USC 403)	USACE	Permit for dredging and filling in navigable waters/ impacts to waters and wetlands of the U.S.
Section 404 of the Clean Water Act (33 USC 1344)		
Section 14 of the Rivers and Harbors Act (33 USC 408)	USACE	Permit for impact to federal navigation channel (USACE civil works project)
49 CFR 77; Safe, Efficient Use and Preservation of the Navigable Airspace	FAA	Notice of Proposed Construction or Alteration

7.2. State Requirements

Table 7-2 lists state requirements for the construction and operation of the Preferred Alternative, consisting of project reviews, permits, and authorizations. Chapter 3 contains additional discussion of review requirements regarding permits or approvals identified in Table 7-2.

Table 7-2—State Requirements for Project Construction and Operation

Federal/State Regulation	Issuing Agency	Approval/Permit
Connecticut Environmental Policy Act (CGS Section 22a-1-22a-1h)	CTDOT/CT Office of Policy and Management	Record of Decision/Review and Concurrence
Title VI Program/FTA Circular 4702.1B of October 1, 2012	CTDOT	Environmental Equity Review
Connecticut Endangered Species Act (CGS Section 26-303)	CTDEEP	Natural Diversity Database Review
Connecticut Coastal Management Act; and Tidal Wetlands Regulations (CGS Section 22a-30-1)	CTDEEP	Structures, Dredge and Fill, and Tidal Wetlands Permit
Section 401 of the Clean Water Act (33 USC 1341); Connecticut Surface Water Quality Standards (CGS Section 221-426)	CTDEEP	Water Quality Certification
Connecticut Flood Management Program (CGS Sections 25-68b - 25-68h)	CTDEEP	Flood Management Certification
CGS Section 22a-36 to 22a-45	CTDEEP	Inland Wetlands General Permit
Section 402 of the Clean Water Act (33 USC 1342); General Conditions Applicable to Water Discharge Permits and Procedures and Criteria for Issuing Water Discharge Permits (CGS Section 22a-430b)	CTDEEP	General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activity
Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (42 USC 4601 et seq); Uniform Relocation Assistance Act (CGS Section 8-266 et seq)	CTDOT	Review/relocation assistance
CGS Section 22a-134, Hazardous Materials	CTDEEP	Review of potential for hazardous material impacts, including identification of high-risk sites, site investigations, and environmental audits
CGS Section 22a-133z and 22a-208a	CTDEEP	General Permit for Contaminated Soil and/or Sediment Management
CGS Chapter 446d and 446k, RCSA Sections 22a-208a-1, 22a-209-1, and 22a-209-8	CTDEEP	Authorization for Disposal of Special Waste
CGS Section 22a-430(b)	CTDEEP	General Permit for the Discharge of Groundwater Remediation Wastewater

Other permits and approvals also may be required, depending upon further design. Examples of additional permit and approval requirements include utility line relocation and bridge demolition activities. The relocation of the overhead electric transmission lines may require approval from the Connecticut Siting Council (CSC). Should CTDOT lead the transmission line relocation, then approval from the CSC may not be required. Should the utility company (Eversource) lead the transmission line relocation effort, then CSC review and approval, including a Certificate of Environmental Compatibility and Public Need, would be required. NEPA review and site-specific permits also could be required for the utility line relocation. Should testing indicate that the existing bridge and support facilities contain asbestos containing materials (ACM), advance notification to the CT Department of Public Health (CTDPH) of abatement and/or demolition activities will be required.

7.3. Local Consultations and Reviews

As the Walk Bridge Replacement Project is a state-sponsored project, CTDOT is not required to obtain local permits. Since the Transportation Commissioner's emergency declaration in July 2014, however, CTDOT has participated in local consultations and reviews to identify community concerns and priorities. In addition to coordinating with the City of Norwalk, CTDOT will continue to coordinate with local government organizations, particularly the Norwalk Harbor Management Commission and the Norwalk Historical Commission, through the design and construction of the project. Chapter 8 includes additional information regarding agency coordination.

Formal consultation with local agencies is required as part of the state permitting process. For example, the application for the Structures, Dredge and Fill, and Tidal Wetlands Permit requires local consultations and reviews from the Norwalk Harbor Management Commission and the Norwalk Shellfish Commission.

7.4. Contractor Requirements

In addition to the permit requirements identified in Table 7-1 and Table 7-2 for which CTDOT is responsible, other parties, such as the project's Construction Manager/General Contractor (CM/GC) or project contractors, may be required to obtain permits from the State of Connecticut and/or City of Norwalk related to construction, demolition and occupancy activities, including construction demolition notifications and/or approvals, building permit, and temporary use/occupancy permits.