**STATE OF CONNECTICUT**

**DEPARTMENT OF TRANSPORTATION**

**ENVIRONMENTAL ASSESSMENT CHECKLIST**

**Date**: March 18, 2014

**Project Name:** New Haven Rail Yard Maintenance of Way Building and Parking Lot

**Municipality:** New Haven

**Staff Contact:** Mark Alexander

**This assessment is being conducted in conformance to the Connecticut Department of Transportation’s (CTDOT) Environmental Classification Document (ECD) to determine Connecticut Environmental Policy Act (CEPA) obligations.**

**Project Description:**

The proposed project, which is part of the overall New Haven Rail Yard Facilities Improvements program, consists of demolishing the existing freezer warehouse and constructing an approximately 25,000 square foot Maintenance of Way (MOW) facility to house the Metro‐North Railroad (MNR) personnel who maintain the main line and rail yard infrastructure. This includes the Track, Structures, Power, and Communication & Signals (C&S) Departments. The remainder of the property will be graded and paved for employee parking.

Existing Brewery Street will be relocated as part of this project, so that it runs through the center of the 1 Brewery Street property. The proposed Brewery Street relocation would also require acquiring a partial take from the IKEA property just east of the 1 Brewery Street property and would require rearranging the access easements on the Hummel Brothers property to the west. This would provide better geometry for the relocation and it’s tie‐in to the existing street system.

**Regulations of Connecticut State Agencies (RCSA) Section 22a-1a-3 Determination of Environmental Significance (Direct/Indirect)**

1. *Impact on air and water quality or on ambient noise levels*
   1. *Air Quality* – No negative impacts are anticipated. The project is located within the boundaries of the portion of the state which has been classified as attainment maintenance for carbon monoxide and PM 10 and non-attainment for PM 2.5 and Ozone. However, this project is not regionally significant and has been determined to be exempt from the requirement that an air quality conformity determination be made in accordance with the Final Rule on Conformity. In addition, the location of the project, being in close proximity to the New Haven Rail Station, would present enhanced opportunities for mass transit usage, such that benefits to air quality can be anticipated. By promoting the use of mass transit, single occupancy vehicles will be removed from the roadway network in the project area, thus resulting in lower vehicle miles of travel, with associated reductions in pollutants generated from vehicular emissions.
   2. *Water Quality-* No negative impacts are anticipated. The proposed project is within Connecticut's coastal boundary as defined by section 22a-94 of the CGS and is subject to the provisions of the Connecticut Coastal Management Act (CCMA), sections 22a-90 through 22a-112. In accordance with CGS section 22a-100, state actions within the coastal boundary that may significantly affect the environment will be consistent with the standards and policies of the CCMA. The site is not a waterfront property and does not possess sensitive coastal resources. Coastal management concerns are the potential mobilization of pollutants in contaminated soils and appropriate use of urban retrofit stormwater best management practices will be addressed in future phases of the project planning process, wherever possible.

CTDOT has taken all comments regarding water quality into account and will employ best management practices (BMP’s), including the use of low impact development (LID) where applicable as the project moves forward. Soil testing will commence following demolition of the existing building in the areas planned for infiltration practices to verify soil/limitations since the effectiveness of various LID techniques that rely on infiltration depends on soil types.

* 1. *Ambient Noise Levels-* No negative impacts are anticipated.

1. *Impact on a public water supply system or serious effects on groundwater, flooding, erosion, or sedimentation*
2. *Water Supply* – The project area is not within a public water supply source water area.
3. *Groundwater* - No negative impacts are anticipated; see 1.b above.
4. *Flooding* – No negative impacts are anticipated. The project site is within the 100-year flood zone on the community's Flood Insurance Rate Map. The project will be certified by CTDOT as being in compliance with flood and stormwater management standards specified in section 25-68d of the Connecticut General Statutes (CGS) and section 25-68h-2 through 25-68h-3 of the Regulations of Connecticut State Agencies.
5. Erosion or Sedimentation- No negative impacts are anticipated. Stormwater discharges from construction sites where one or more acres are to be disturbed require a permit pursuant to 40 CFR 122.26. The DEEP Permitting & Enforcement Division has issued a General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities (DEP-PERD-GP-015) that will cover these discharges. This permit now requires that post-construction control measures incorporate runoff reduction practices, such as LID techniques, to meet performance standards specified in the permit. However, due to the nature of the site is a rail yard environment, many LID measures are impractical. The rail yard uses a ballasted or processed aggregate surface instead of paving so that the majority of stormwater infiltrates rather than being collected in piped drainage systems. For projects disturbing five or more acres, registration describing the site and the construction activity must be submitted to the Department prior to the initiation of construction. The proposed project consists of demolishing the existing freezer warehouse and constructing an approximately 25,000 square foot Maintenance of Way (MOW) facility to house the Metro‐North Railroad (MNR) personnel who maintain the main line and rail yard infrastructure. This includes the Track, Structures, Power, and Communication & Signals (C&S) Departments. The remainder of the property will be graded and paved for employee parking, for a total of 5.9+ acres of land being disturbed. Therefore, CTDOT will register with DEEP. Sedimentation and erosion control measures, in accordance with the 2002 CT E&S Control Guidelines and Section 1.10 of Form 816, will be installed and maintained during construction, until all disturbed areas are stabilized.
6. *Effect on natural land resources and formations, including coastal and inland wetlands, and the maintenance of in-stream flows* – No negative impacts are anticipated. There are no wetland impacts associated with this project.
7. *Disruption or alteration of an historic, archaeological, cultural, or recreational building, object, district, site or its surroundings* - The Connecticut State Historic Preservation Office has concurred with CTDOT’s recommendation that no historic properties will be affected under the Connecticut Environmental Policy Act. It was determined that the structure at 1 Brewery Street is not eligible for inclusion on the National Register of Historic Places. The soils within the project area are fill soils and have been heavily disturbed by construction since this area of the former New Haven Harbor was filled in.
8. *Effect on natural communities and upon critical species of animal or plant and their habitats; interference with the movement of any resident or migratory fish or wildlife species* –

The Natural Diversity Data Base (NDDB) contains no records of any extant populations of federally listed endangered or threatened species or species listed by the State, pursuant to section 26-306 of the CGS, as endangered, threatened or special concern in the project area. Additionally, the urbanized, fully developed nature of the site holds little to no habitat for state or federal listed species.

1. *Use of pesticides, toxic or hazardous materials or any other substance in such quantities as to create extensive detrimental environmental impact* - No negative impacts are anticipated.
2. *Substantial aesthetic or visual effects* - No negative impacts are anticipated.
3. *Consistency with the written and/or mapped policies of the Statewide Plan of Conservation and Development and such other plans and policies developed or coordinated by the Office of Policy and Management or other agency* *–* No negative impacts are anticipated. Because this action involves the acquisition and development or improvement of real property whose costs are in excess of $200,000, it is subject to the consistency requirement of the State Conservation and Development Plan of 2013-2018 (Plan) and its Growth Management Principles (GMP). In particular, this type of project supports both GMP #1 (Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure) and GMP #3 (Concentrate Development Around Transportation Nodes and Along Major Transportation Corridors to Support the Viability of Transportation Options). In addition, the Plan requires that those projects deemed Growth Related be located in a Priority Funding Area. This project has been determined to be a Growth Related Project as defined in the Plan and is located in a Priority Funding Area and is therefore consistent with the Plan.
4. *Disruption or division of an established community or inconsistency with adopted municipal and regional plans* - No negative impacts are anticipated.
5. *Displacement or addition of substantial numbers of people* - No negative impacts are anticipated.
6. *Substantial increase in congestion (traffic, recreational, other)* - No negative impacts are anticipated. The nature of this type of project is such that a decrease in traffic congestion along area roadways can be anticipated. By promoting the use of mass transit, single occupancy vehicles will be removed from the roadway network in the project area, thus resulting in lower vehicle miles of travel, along with associated reductions in traffic congestion.
7. *A substantial increase in the type or rate of energy use as a direct or indirect result of this action* - No negative impacts are anticipated.
8. *The creation of a hazard to human health or safety* - No negative impacts are anticipated. The existing freezer warehouse has been tested for lead and asbestos and is currently being remediated. Soil and ground water will be tested once the existing building is demolished. If the testing indicates site contamination, proper remediation, including development of a cleanup plan will be undertaken and measures will be implemented that will clean up the site in accordance with applicable criteria in the Connecticut Remediation Standard Regulations adopted pursuant to section 22a-133k of the CGS.
9. *Any other substantial impact on natural, cultural, recreational or scenic resources* - No negative impacts are anticipated.

**Conclusion:**

After examining any potential environmental impacts and reviewing all comments received from the various resource agencies as well as the public, CTDOT has concluded that the preparation of an Environmental Impact Evaluation will not be required for the New Haven Rail Yard Maintenance of Way Building and Parking Lot.

**Recommendations received by various State agencies as a result of the Scoping Process:**

As a result of the Scoping Process, the following recommendations were received from DEEP:

The Department strongly supports the use of low impact development (LID) practices such as water quality swales and rain gardens for infiltration of stormwater on site. Key strategies for effective LID include: managing stormwater close to where precipitation falls; infiltrating, filtering, and storing as much stormwater as feasible; managing stormwater at multiple locations throughout the landscape; conserving and restoring natural vegetation and soils; preserving open space and minimizing land disturbance; designing the site to minimize impervious surfaces; and providing for maintenance and education. Water quality and quantity benefits are maximized when multiple techniques are grouped together. Consequently, we typically recommend the utilization of one, or a combination of, the following measures:

* + the use of pervious pavement or grid pavers (which are very compatible for parking lot and fire lane applications), or impervious pavement without curbs or with notched curbs to direct runoff to properly designed and installed infiltration areas,
  + the use of vegetated swales, tree box filters, and/or infiltration islands to infiltrate and treat stormwater runoff (from building roofs and parking lots),
  + the minimization of access road widths and parking lot areas to the maximum extent possible to reduce the area of impervious surface,
  + if soil conditions permit, the use of dry wells to manage runoff from the building roofs,
  + the use of vegetated roofs (green roofs) to reduce the runoff from buildings,
  + proper treatment of special activity areas (e.g. loading docks, covered maintenance and service areas),
  + the installation of rainwater harvesting systems to capture stormwater from building roofs for the purpose of reuse for irrigation, and
  + providing for pollution prevention measures to reduce the introduction of pollutants to the environment.

The effectiveness of various LID techniques that rely on infiltration depends on the soil types present at the site. Infiltration practices may be suitable at this site. Test pits should be dug in areas planned for infiltration practices to verify soil suitability and/or limitations. Planning should insure that areas to be used for infiltration are not compacted during the construction process by vehicles or machinery. The siting of areas for infiltration must also consider any existing soil or groundwater contamination.

Because the site is in an historically urbanized area, it is suggested that an environmental or engineering consultant be retained to conduct a site investigation and sampling/testing as appropriate in order to confirm that a property proposed for redevelopment has not been the site of improper disposal of waste or does not contain some other environmental liabilities. The investigation should include an inquiry into the historic uses and fuel storage on the property to assess the likelihood of encountering solid or hazardous waste or soil contamination. In order to ascertain the environmental status of properties, it is typically recommended that a Phase I environmental site assessment (ESA) be performed at the site. If the Phase I ESA indicates site contamination is likely, a Phase II ESA should be performed to confirm or deny the presence of contamination. In order to achieve proper remediation, the extent of contamination should be clearly defined through a Phase III ESA, a cleanup plan developed, and measures implemented that will clean up the site in accordance with applicable criteria in the Connecticut Remediation Standard Regulations adopted pursuant to section 22a-133k of the CGS.

In keeping with the Department’s interest in furthering the use of alternate fuels for transportation purposes, we recommend that Level 1 electric vehicle charging stations (for lengths of stays of 8 hours or greater) be included at 3% of the parking spaces in the project design. Increasing the availability of public charging stations will facilitate the introduction of the electric vehicle technology into the state and serve to alleviate the present energy dependence on petroleum.

For large construction projects, the Department typically encourages the use of newer off-road construction equipment that meets the latest EPA or California Air Resources Board (CARB) standards. If that newer equipment cannot be used, equipment with the best available controls on diesel emissions including retrofitting with diesel oxidation catalysts or particulate filters in addition to the use of ultra-low sulfur fuel would be the second choice that can be effective in reducing exhaust emissions. The use of newer equipment that meets EPA standards would obviate the need for retrofits.

The Department also encourages the use of newer on-road vehicles that meet either the latest EPA or California Air Resources Board (CARB) standards for construction projects. These on-road vehicles include dump trucks, fuel delivery trucks and other vehicles typically found at construction sites. On-road vehicles older than the 2007-model year typically should be retrofitted with diesel oxidation catalysts or diesel particulate filters for projects. Again, the use of newer vehicles that meet EPA standards would eliminate the need for retrofits.

Additionally, Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies (RCSA) limits the idling of mobile sources to 3 minutes. This regulation applies to most vehicles such as trucks and other diesel engine-powered vehicles commonly used on construction sites. Adhering to the regulation will reduce unnecessary idling at truck staging zones, delivery or truck dumping areas and further reduce on-road and construction equipment emissions. Use of posted signs indicating the three-minute idling limit is recommended. It should be noted that only DEEP can enforce Section 22a-174-18(b)(3)(C) of the RCSA. Therefore, it is recommended that the project sponsor include language similar to the anti-idling regulations in the contract specifications for construction in order to allow them to enforce idling restrictions at the project site without the involvement of the Department.

The following standard comments regarding building demolition projects should be observed, as applicable, during future planning and implementation of the project. Fact sheets providing additional information concerning environmental, health and safety requirements applicable to building renovation and demolition projects have been developed by the Waste Engineering & Enforcement Division.

* Prior to the demolition of any commercial, industrial or public buildings or buildings containing five or more residential units, they must be inspected for asbestos-containing materials and any such materials must be removed. Written notice must be submitted to the Department of Public Health 10 working days prior to demolition in accordance with Section 19a-332a-3 of the Regulations of Connecticut State Agencies, for buildings involving more than 10 linear feet or more than 25 square feet of asbestos-containing material.
* The disposal of material containing asbestos requires the approval of the Waste Engineering and Enforcement Division pursuant to section 22a-209-8(i) of the Regulations of Connecticut State Agencies. Proper disposal technique requires that the material be bagged and labeled and placed in an approved secure landfill.
* The disposal of demolition waste should be handled in accordance with applicable solid waste statutes and regulations. Demolition debris may be contaminated with asbestos, lead-based paint or chemical residues and require special disposal. Clean fill is defined in section 22a-209-1 of the Regulations of Connecticut State Agencies (RCSA) and includes only natural soil, rock, brick, ceramics, concrete and asphalt paving fragments. Clean fill can be used on site or at appropriate off-site locations. Clean fill does not include uncured asphalt, demolition waste containing other than brick or rubble, contaminated demolition wastes (e.g. contaminated with oil or lead paint), tree stumps, or any kind of contaminated soils. Landclearing debris and waste other than clean fill resulting from demolition activities is considered bulky waste, also defined in section 22a-209-1 of the RCSA. Bulky waste is classified as special waste and must be disposed of at a permitted landfill or other solid waste processing facility pursuant to section 22a-208c of the Connecticut General Statutes and section 22a-209-2 of the RCSA.
* Construction and demolition debris should be segregated on-site and reused or recycled to the greatest extent possible. Waste management plans for construction, renovation or demolition projects are encouraged to help meet the State’s reuse and recycling goals. The State Solid Waste Management Plan outlines a goal of 58% recovery rate for municipal solid waste by the year 2024. Part of this effort includes increasing the amount of construction and demolition materials recovered for reuse and recycling in Connecticut. It is recommended that contracts be awarded only to those companies who present a sufficiently detailed construction/demolition waste management plan for reuse/recycling.
* Development plans in urban areas that entail soil excavation should include a protocol for sampling and analysis of potentially contaminated soil. Soil with contaminant levels that exceed the applicable criteria of the Remediation Standard Regulations, that is not hazardous waste, is considered to be special waste. The disposal of special wastes, as defined in section 22a-209-1 of the RCSA, requires written authorization from the Waste Engineering and Enforcement Division prior to delivery to any solid waste disposal facility in Connecticut. If clean fill is to be segregated from waste material, there must be strict adherence to the definition of clean fill, as provided in Section 22a-209-1 of the RCSA. In addition, the regulations prohibit the disposal of more than 10 cubic yards of stumps, brush or woodchips on the site, either buried or on the surface.
* The Waste Engineering & Enforcement Division has issued a General Permit for Contaminated Soil and/or Sediment Management (Staging & Transfer). It establishes a uniform set of environmentally protective management measures for stockpiling soils when they are generated during construction or utility installation projects where contaminated soils are typically managed (held temporarily during characterization procedures to determine a final disposition). Temporary storage of less than 1000 cubic yards of contaminated soils (which are not hazardous waste) at the excavation site does not require registration, provided that activities are conducted in accordance with the applicable conditions of the general permit. Registration is required for on-site storage of more than 1000 cubic yards for more than 45 days or transfer of more than 10 cubic yards off-site.