

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.

b) *Water Quality*—

The surface water resources of the Thames River and Poquetanuck Cove have statewide importance as an extensive estuary with associated habitat resources and high public resource values. These waterbodies are chronically water quality impaired and assessed in the Department's biennial integrated water quality report as Not Supporting for Aquatic Life, Recreation and Shellfish Commercial Harvesting uses. Numerous causes for these various use impairments are listed, and all include remediation sites. All steps associated with abatement, demolition and remediation activities should be carefully planned, executed and monitored with the ecological and economic integrity of the receiving waterbodies clearly in mind.

The DEEP 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.

Stormwater discharges from construction sites where one or more acres are to be disturbed, regardless of project phasing, require an NPDES permit from the DEEP Permitting & Enforcement Division. Locally Approvable construction projects with a total disturbed area of five or more acres must submit a registration form to the DEEP prior to the initiation of construction.

c) *Noise*— N/A

2) *Impact on a public water supply system or serious effects on groundwater, flooding, erosion, or sedimentation*

a) *Water Supply*—

The Drinking Water Section of the Department of Public Health has reviewed project for

potential impacts to any sources of public drinking water supply. This project does not appear to be in a public water supply source water area.

b) *Groundwater*— N/A

c) *Flooding*—

Portions of the property are within the 100-year and 500-year flood zones on the community's Flood Insurance Rate Map. Remediation activities would be covered by Statewide Flood Management Certification for Minor Activities (FM-200900981) issued to DECD on July 10, 2009. Pursuant to section 25-68h-2(d)(1) of the Regulations of Connecticut State Agencies, “the storage of materials that are buoyant, hazardous, flammable, explosive, soluble, expansive radioactive or which could be injurious to human, animal or plant life is prohibited below the elevation of the base flood for a critical activity” or the 500-year flood zone. This restriction should be observed during remediation activities.

The transfer of the property to Preston was the subject of a Flood Management Certification (FM-200802761) as required by section 25-68d of the CGS. The certification requires that the town review all activities within floodplain areas to insure that they are in compliance with all local, state and federal floodplain standards and criteria. Critical activities as defined in section 25-68b are prohibited in the 500-year flood zone.

3) *Disruption or alteration of an historic, archeological, cultural or recreational building, object, district, site or surroundings*—

The Norwich State Hospital property is listed in the National Register of Historic Places. The State has completed extensive documentation of the architectural resources associated with the historic hospital complex.

In 2005, the State of Connecticut Department of Economic and Community Development (DECD) contracted with Archaeological and Historical Services, Inc. (AHS) to conduct archaeological investigations and historical documentation of cultural resources located on the former Norwich State Hospital (NSH) property in Norwich and Preston, CT. AHS has submitted a multi-volume report which is on file with the State Historic Preservation Office (SHPO), the Office of State Archaeology (OSA) and the Towns of Preston and Norwich. Based on AHS’ report, SHPO and OSA recommend avoidance or impact mitigation in the form of Data Recovery excavations at 11 sites; avoidance or impact mitigation by pre-construction topsoil removal-monitoring at five sites and in place preservation of seven sites.

http://www.ctert.org/pdfs/Preston_NorwichHospital_625.pdf

4) *Effect on natural land resources and formations, including coastal and inland wetlands, and the maintenance of in-stream flows*—

Any work or construction activity within tidal, coastal or navigable waters requires authorization from the Office of Long Island Sound Programs (OLISP) pursuant to the Structures, Dredging and Fill Act, section 22a-359 through 22a-363f of the CGS. The regulatory jurisdiction limit is the area up to and including the elevation of the coastal jurisdiction line (CJL) as determined for the State's major tidal waterbodies. The CJL for the Thames River in Preston, including Poquetanuck Cove, is 2.3’ NAVD88. Any work or construction activity within tidal wetlands at the site (whether or

not such wetlands have been mapped) will require a permit from OLISP pursuant to section 22a-32 of the CGS.

Portions of the site are 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. Before building permits can be granted for redevelopment projects within the coastal zone, the local building inspector must certify that the Coastal Site Plan Review requirements of sections 22a-105 through 22a-109 of the CGS have been met. Coastal management concerns which should be addressed in future phases of the project planning process are the provision of water-dependent uses, including public access, at waterfront sites and appropriate use of stormwater best management practices.

5) *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 extensive project area includes a wide array of environmental resources that must be considered in developing a development plan. An Environmental Review Team Report was prepared by the Eastern Connecticut Resource Conservation & Development Area, Inc. for the Preston Conservation Commission in 2010. This report, available on-line at: ERT Report, identifies the existing resource base, evaluates its significance, and suggests considerations that should be of concern to the town in order to prioritize areas in need of protection during the master planning process. The report should be utilized as resource in developing conceptual plans for development.

The more prominent resources of the site include:

- Poquetanuck Cove - few tidal coves of this size and habitat value exist in Connecticut, with regionally significant concentrations of wintering and migrating waterfowl and significant brackish tidal marsh areas
- Thames River - due to the wide range of salinities a variety of fish and invertebrate species occur in this reach of the river
- Large block of core forest - quite rare relatively close to the shore, provides critical habitat to species that either require large tracts of forestland
- Hospital Pond and wetland system - due to the minimal amount of impervious surface and the great extent of forest cover within this watershed, the wetlands and watercourses are in excellent health

Some important design considerations include:

- Preservation of cove shoreline
- Stormwater impacts to the cove and river
- Preservation of core forest
- Water dependent uses for riverfront property, including public fishing access
- Remediation to the standard appropriate for the proposed use
- Erodibility of the steep riverbank

6) *Use of pesticides, toxic or hazardous materials or any other substance in such quantities as to*

create extensive detrimental environmental impact— N/A

7) *Substantial aesthetic or visual effects— N/A*

8) *Inconsistency 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—*

The Connecticut Nonpoint Source Management Program Plan (2014) identifies brownfields and contaminated sites with a nonpoint source-specific strategy of promoting brownfield site restoration and identifies an action to work with stakeholders to identify available funding sources for land restoration and water protection. Public funds used for this project should be consistent with the environmental goals relevant to remediation of surface water and ground water pollution and to promote economic development of the contaminated sites in a manner consistent with the Conservation and Development Policies Plan, 2013-2018.

9) *Disruption or division of an established community or inconsistency with adopted municipal or regional plans— N/A*

10) *Displacement or addition of substantial numbers of people— N/A*

11) *Substantial increase in congestion (traffic, recreational, other) — N/A*

12) *A substantial increase in the type or rate of energy use as a direct or indirect result of the action—*

DEEP recommends that Level 2 electric vehicle charging stations be included at 3% of the parking spaces in the project design.

13) *The creation of a hazard to human health or safety—*

The State Hospital property was the subject of a Property Transfer Program - Form III as a result of the transfer to the Town of Preston. Responsibility for the oversight of the investigation and remediation of the property lies with a Licensed Environmental Professional (LEP). The property is also in DECD's Brownfield Remediation and Revitalization Program authorized by section 32-769 of the Connecticut General Statutes (CGS). Coordination between DECD's Office of Brownfield Remediation and Development and the DEEP Remediation Division has been ongoing and cooperation between agencies will continue.

The following summarizes the Department of Public Health's position with regard to lead, asbestos, and radon:

A. Lead-Based Paint:

It does not appear that excavation or construction activities that may be associated with this project are subject to the Department of Public Health (DPH), Childhood Lead Poisoning Prevention and Control Regulations (19a-111-1 through 19a-111-11). However, there are other issues that must be addressed related to lead-based paint. Among these issues are the following:

- Testing of paint on existing structures marked for demolition or testing for lead in soils

should be performed by a lead inspector or lead inspector/risk assessor certified by the DPH.

- Planned demolition or soil removal activities should be performed using lead-safe work practices.
- If lead-based paint or lead contaminated soil is identified, the classification and disposal of generated waste must comply with the Resource Conservation Recovery Act (RCRA) and Connecticut Department of Environmental Protection standards (e. g., Toxicity Characteristics Leaching Procedure [TCLP] testing, reporting, and record keeping requirements).
- Additionally, if lead-based paint, lead containing paint, or lead contaminated soil is identified, workers must be trained (as a minimum) according to the Occupational Safety and Health Administration (OSHA) lead standards (29 CFR 1926.62).
- Because other contaminants may also be present on the site, additional health and safety training may be required (c g., hazardous waste and/or asbestos).

B. Asbestos Program:

The demolition of an existing facility or structure in conjunction with this project may impact asbestos-containing materials. As required by the asbestos National Emission Standards for Hazardous Air Pollutants (40 C.F.R. Part 61, Subpart M) and in order to ensure compliance with DPH regulations, a thorough inspection must be conducted to determine the presence of asbestos prior to the commencement of the planned demolition activity. A DPH licensed asbestos consultant, with certification as an Inspector or a Management Planner, must be hired to conduct such an inspection. If asbestos is identified, it must be properly abated. A DPH licensed asbestos contractor must be hired to conduct asbestos abatement that involves more than three (3) linear feet or more than three (3) square feet of asbestos-containing material. Additionally, the DPH must be provided with notification prior to asbestos abatement that involves greater than ten (10) linear feet or greater than twenty-five (25) square feet of asbestos-containing material. Asbestos abatement must be performed in accordance with all applicable federal, state and local regulations.

C. Radon

The Connecticut Department of Public Health Radon Program recommends that during the construction of the building, radon resistant features should be built into the infrastructure of the building. The list below describes the basic components of radon resistant new construction:

- A gas permeable layer, such as 4-inch gravel, placed beneath the slab to allow soil gases to move freely underneath the building
- Plastic sheeting over the gas permeable layer and under the slab to help prevent soil gases from entering the home
- Sealing and caulking all openings in the foundation floor to reduce soil gas entry
- A vent pipe, such as 6 inch PVC pipe, to run from the gas permeable layer through the building to the roof to safely vent soil gases above the building
- An electrical junction box installed in case an electric venting fan is needed later

The facility should be tested for radon after construction is completed. If radon results are at or above 4.0 picocuries per liter (pCi/L), the existing system should be activated by installing an inline fan.

The following DEEP comments regarding building demolition projects should be observed, as applicable, during future planning and implementation of the project:

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 (ACM) and any such materials must be removed by asbestos abatement contractors that are licensed by the Department of Public Health (DPH). Additional information on asbestos contractors may be found at: [Asbestos Contractors](#). ACM must be properly containerized and labeled, and must be shipped off-site using an asbestos manifest. Written notice must be submitted to the DPH ten working days prior to the demolition of any structure in accordance with Section 19a-332a-3 of the Regulations of Connecticut State Agencies.

Asbestos-containing material is regulated as a “special waste” in Connecticut, and may not be disposed of with regular construction and demolition waste. Instead, it may only be disposed at facilities that are specifically authorized to accept ACM. Currently, there are only two facilities that are authorized to accept asbestos-containing material in Connecticut: Red Technologies in Portland and Manchester Landfill in Manchester (which can only accept non-friable types of asbestos-containing materials). Although the disposal of asbestos-containing material is typically arranged for by the licensed asbestos abatement contractor, project proponents should ensure that the contractor disposes of all such materials at properly-licensed facilities.

Demolition debris may also include materials that contain polychlorinated biphenyls (PCBs). Such materials can include transformers, capacitors, fluorescent light ballast and other oil-containing equipment, and in certain building materials (i.e., paint, roofing, flooring, insulation, etc.). In recent years, EPA has also learned that caulk containing potentially harmful polychlorinated biphenyls (PCBs) was used around windows, door frames, masonry columns and other masonry building materials in many buildings starting in 1929 with increased popularity in the 1950s through the 1970s, including schools, large scale apartment complexes and public buildings. In general, these types of buildings built after 1978 do not contain PCBs in caulk. In 2009, EPA announced new guidance about managing PCBs in caulk and tools to help minimize possible exposure. The guidance can be found at: [PCBs in Caulk](#). Where schools or other buildings were constructed or renovated prior to 1978, EPA and DEEP recommend that PCB-containing caulk removal be scheduled during planned renovations, repairs (when replacing windows, doors, roofs, ventilation, etc.) and demolition projects, whenever possible. However, the continued use of such PCB materials is prohibited and, where it is identified, it must be addressed. EPA recommends testing caulk that is going to be removed as the first step in order to determine what protections are needed during removal. Where testing confirms the presence of PCBs, it is critically important to ensure that they are not released to air during replacement or repair of caulk in affected buildings. Many such PCB removal projects will need to include sampling of the substrate and soil, as well as require plans to be approved by EPA in coordination with DEEP.

In addition to asbestos and PCBs, demolition debris may also be contaminated with lead-based paint, chemical residues, or other materials that require special disposal. For more information on these materials, see the DEEP’s [Renovation and Demolition Web Page](#). Additional information concerning disposal of demolition debris is available in the DEEP’s [Demolition Debris Web Page](#).

Demolition waste that is not contaminated with asbestos, PCBs, or other materials that require special handling is subject to Connecticut's solid waste statutes and regulations, and must be reused, recycled, or disposed of accordingly. 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. Connecticut's Comprehensive Materials Management Strategy outlines a goal of 60% 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.

One way that certain types of construction and demolition waste can be reused is as clean fill. 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. Land-clearing 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.

14) *Any other substantial impact on natural, cultural, recreational or scenic resources— N/A*

Conclusion:

Following are the issues identified by various State agencies:

DEEP:

The DEEP supports redevelopment of brownfield sites due to resulting environment enhancement and as well as social and economic benefits. These include reducing or eliminating public exposure to pollutants, cleaning up sites that otherwise would not be cleaned up for decades, and reducing environmental impacts associated with sprawl by returning abandoned and underutilized sites to productive use. This project to initiate redevelopment of a former State-owned brownfield affirms the State's responsibility to convert its surplus property to beneficial reuse.

The proposed State funding will not be utilized for site development, which is to be subsequently undertaken by the Town of Preston and the Mohegan Tribal Gaming Authority. Since conceptual designs are not yet available, DEEP's comments on the indirect impacts of development of Preston Riverwalk are limited to a general overview of environmental resources and design considerations. These comments will be presented to the town for their use during planning and design of the project.

OPM:

OPM notes that section 3 of Public Act 15-193 dropped the criterion about the project having "a predetermined end use", while Section 1(a) of the MOU between the Town of Preston and the Mohegan Tribal Gaming Authority (MTGA) broadly states that the project will have a cost to construct of between

\$200,000,000 and \$600,000,000. OPM posts a following question: “Given the potential variability of development options within this cost range, is it expected that the remediation funds will be fully utilized to prepare the site for the most extensive development option prior to the start of construction activities, or will funding be scaled commensurate with the phasing of any future development?”- DECD funds will be fully utilized to remediate the site prior to the development activities on the site.

DECD will consider the following recommended by the OPM publications:

Town of Preston’s Plan of Conservation and Development, which includes an amendment regarding Preston Riverwalk (Addendum #2):

<http://www.preston-ct.org/images/pdfs/FINAL%20POCD%20Version.pdf>

- Eastern Connecticut Environmental Review Team report prepare for Norwich Hospital Property in 2010:

http://www.ctert.org/pdfs/Preston_NorwichHospital_625.pdf

The MOU for the redevelopment of the former Norwich State Hospital property does not anticipate state funding and, therefore, limits current comments to the planned remediation activities. If state funding should be provided in the future for the redevelopment of this property, then additional details on the most current development plans should be provided as part of a new CEPA scoping process.

DPH:

A review of the scoping notice reveals limited information at this stage of the former Norwich State Hospital located in the Town of Preston. However, the project does mention abatement, demolition, and remediation activities. The project includes renovation, remodeling and demolition of existing buildings, and the excavation of soils, therefore a plan must be in place to address lead-based paint, asbestos and lead contaminated soils since these types of construction activities could result in the disturbance of surfaces that may contain lead-based paint, asbestos and/or lead contaminated soils. If a building is to be constructed, it should be built using radon resistant features for occupied spaces.

SHPO:

The comments provided by SHPO in letter dated December 5, 2014 regarding the EPA clean-up grants will need to be considered for any future plans that will cause disturbance outside the building buffers. SHPO is requesting that the project plans be submitted to them for further comment and guidance on measures to avoid disturbance of significant archeological resources associated with the extensive prehistoric use of the area by Native American people.

Recommendations:

The EA for this project appears not to trigger an obligation under CEPA for an EIE.