



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

August 2, 2022

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PETITION NO. 1527 – The Connecticut Light and Power Company d/b/a Eversource Energy petition for a declaratory ruling for the proposed Stevenson to Pootatuck Rebuild Project consisting of the replacement and reconductoring of electric transmission line structures along approximately 8 miles of its existing Nos. 1560, 1808 and 1580 115-kilovolt (kV) electric transmission lines within existing Eversource electric transmission line right-of-way between Eversource’s Stevenson Substation, 1 Roosevelt Drive in Monroe and The United Illuminating Company’s Pootatuck Substation, 14 Old Stratford Road in Shelton, Connecticut, and related electric transmission line and substation improvements.

Dear Ms. Bachman:

The Council on Environmental Quality (“Council”) offers the following comments regarding Petition 1527.

1. Best Management Practices

The Petitioner notes that all work within or near water resources (inland wetlands, watercourses (perennial and intermittent streams), ponds, vernal pools, and Federal Emergency Management Agency (“FEMA”) Flood Zones) would be conducted in accordance with the Eversource’s 2022 Best Management Practices Manual for Massachusetts and Connecticut (“BMPs”). The Petitioner also states that the BMPs would apply to erosion and sedimentation (E&S) controls; impacts to vernal pools; right of way (ROW) restoration; the disposal of waste materials; protection and restoration of the habitat for New England Cottontail; and dewatering activities during construction. While the BMPs for minimizing impacts to vernal pools are discussed in the Petition’s Vernal Pool Report, no other BMPs are included in the Petition or included as bulk filings in this proceeding. The Council recommends that the Petitioner provide the referenced BMPs to the Siting Council so that the Siting Council and members of the public can assess the appropriateness of the BMPs for the proposed project. It is the Council’s recommendation that any external environmental quality standards referenced by petitioners/applicants be submitted to the Siting Council for inclusion in the record, consideration, and possible incorporation into permits.

2. Wildlife

The Department of Energy and Environmental Protection (DEEP) Natural Diversity Database’s (NDDDB) provided a determination letter to the Petitioner on March 16, 2022 (NDDDB Determination No. 202201763) for the proposed project. The Petitioner states that Eversource will adhere to the recommendations and protection strategies detailed in the

determination letter; however, the NDDDB determination letter is not included in the Petition materials nor is there any discussion regarding actions that the construction contractors might undertake if a state or federally listed species is identified within or near the project area. The Council recommends that the NDDDB determination letter dated March 16, 2022 be part of the Petition filing so that the Siting Council and members of the public have access to the information. The Council also recommends that the mitigation measures, identified in Section 5.2 of the Vernal Pool Report, for the protection of the vernal pools and the vernal pool obligate species, be conditions of approval.

3. Soils

The Petitioner states that “excavated soils that are generated during construction activities would be stored or spread in an upland area within the ROW, to the extent practicable, or disposed of in accordance with applicable regulations.” However, there is no mention of the process that the Petitioner will undertake to determine if the soils are suitable to be “stored and spread in an upland area” or whether the soils are contaminated and need to be disposed consistent with applicable regulations. The Council recommends that the Petitioner provide a plan for the testing of the excavated soils to determine its suitability to be stored and spread within the project area. Further, the Council recommends that any clean soils that are stored and spread within the project area do not encroach on any water resources or in areas that would be prone to erosion.

The Council notes that the proposed project has the potential to impact agricultural soils. The Council recommends that best practices be employed during construction, such as minimizing grading, trenching, and compaction, to protect farmland soils which are a critical part of successful agriculture.

4. Wetlands

The construction of an access road and replacement structures will result in minor permanent impacts to wetlands and approximately 3.4 acres of temporary impacts to wetlands. The Council recommends that the Petitioner minimize the impacts to wetlands, watercourses, and vernal pool envelopes, within and near the project area, to the greatest extent possible. In addition, the Council recommends that the stumps of any woody vegetation removed within the existing wetlands or in steeply sloping areas remain undisturbed to minimize the potential adverse impact to wetland soils and to reduce the likelihood of soil erosion.

5. Water Resources

The Petitioner states that the project area contains 43 wetlands, 27 watercourses, six vernal pools, and an Aquifer Protection Area (APA). The Council recommends that the Petitioner develop and implement a plan to protect the APA, which should conform to the requirements of the City of Derby’s aquifer protection ordinance, and other identified water resources. Such plan should include but not be limited to: 1) restricting the servicing of construction vehicles and equipment, 2) restricting the refueling of construction vehicles and machinery within a suitable distance of water resources and/or outside of the APA, or on an impervious surface with secondary containment, 3) restricting the storage of fuel and other hazardous materials within the APA and requiring secondary containment in all other areas, 4) ensuring that the use of any herbicides within the APA is strictly controlled and applied by a state-licensed pesticide/herbicide applicator, and 5) providing a fuel spill remediation kit(s) onsite for construction contractors and training the contractors on its proper use.

6. Invasive Species

The proposed work, especially in and around the temporary work pads and temporary access roads, has the potential to introduce or expand the habitat for invasive plants. The Council recommends that the Petitioner develop and implement an invasive species control/eradication plan for the areas impacted by the proposed activities, which should include measures to control the spread of invasive species during the transport and use of construction equipment and vehicles, with follow-up after construction is completed.

7. Inspections

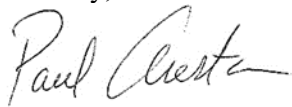
The Petitioner states that “temporary E&S control measures would be maintained and inspected for the duration of the Project to ensure their integrity and effectiveness and for compliance with the General

Permit. SWPCP inspections would be performed in accordance with the General Permit requirements.” The Council supports the presence of an environmental inspector who would be available onsite during the construction; however, the information on the inspector’s duties and timing for inspections is not specified. The Council recommends that the Petitioner provide details regarding the inspector’s duties, including but not limited to: protecting any state-listed species or wildlife within the project area; protecting water resources as noted above; ensuring erosion and sedimentation controls are installed and functioning properly; and ensuring that the invasive species control plan is implemented to minimize the transport and establishment of invasive species. The Council also recommends that an environmental inspector inspect the project area at least once per week during construction and within 24 hours following significant precipitation events ($\geq 1/2$ inch)¹.

The Council’s comments above address only certain elements of the materials provided by the Petitioner at the time of the filing. Additional information can become evident through comments offered by other parties and during the Siting Council’s administrative hearing process. The absence of comment(s) by this Council about any Petition or Application, or any aspects thereof, may not be interpreted as an endorsement of a proposed project, or its components or that this Council might not have comments or concerns on more specific issues raised during the hearing process.

Thank you for your consideration of the Council’s comments.

Sincerely,

A handwritten signature in black ink that reads "Paul Aresta". The signature is written in a cursive, flowing style.

Paul Aresta
Executive Director

¹ [2002 Connecticut Guidelines for Soil Erosion and Sediment Control](#), Maintenance, 5.4.4.