



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

November 16, 2022

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PETITION NO. 1545 – The Connecticut Light and Power Company d/b/a Eversource Energy (Petitioner) for the proposed Wawecus Junction to Montville Junction Upgrade Project consisting of the replacement of electric transmission line structures along its existing 8-mile electric transmission line right-of-way shared by its existing 115-kilovolt (kV) Nos. 1000, 1070, 1080 and 1090 Lines between Wawecus Junction in Norwich and Montville Junction in Montville, Connecticut, and related electric transmission line and substation improvements.

Dear Attorney Bachman:

The Council on Environmental Quality (“Council”) offers the following comments regarding Petition 1545.

1. Best Management Practices

The Petitioner states that certain project activities, including but not limited to project work in or near wetlands, watercourses, ponds, vernal pools, and floodzones; procedures for the proper storage, secondary containment, and handling of diesel fuel, motor oil, grease, and other lubricants; erosion and sedimentation control; disposal of construction debris; and dewatering actions would be done in accordance with the Petitioner’s April 2022 Construction & Maintenance Environmental Requirements, Best Management Practices Manual for Massachusetts, and Connecticut (“BMPs”). In addition, the Stormwater Pollution Control Plan and the Spill Prevention and Control Plan are referenced in the Petition materials, but none of these referenced documents are included in the Petition or included as bulk filings in this proceeding thereby making it difficult for the Siting Council and members of the public to review the appropriateness of the referenced documents for the proposed specified activities. Consequently, the Council recommends that the referenced BMPs and any external environmental quality plans and/or standards, referenced by the Petitioner, be submitted to the Siting Council for inclusion in the record, consideration, and possible incorporation into permits.

2. Wildlife

The Petitioner notes that the Department of Energy and Environmental Protection (DEEP) Natural Diversity Database’s (NDDB) provided a determination letter to the Petitioner in July 2022 for the proposed project that identified 1) four state-listed species within or near the Project area, and 2) species-specific protection and mitigations measures. The Petitioner states that they will adhere to the recommendations and protection strategies detailed in the determination letter; however, the NDDB determination letter is not included in the Petition materials and therefore, not available for inspection by the Siting Council and members of the public. The Council recommends that the NDDB determination letter referenced in the

Petition materials 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 9 (Recommended Protection Measures) of the Vernal Pool Survey¹, for the protection of the vernal pools and the vernal pool obligate species, be a condition of approval.

3. Soils

The Petitioner states that excavated soils that are generated during construction activities that cannot be utilized as backfill would be disposed in accordance with applicable regulations. Further, the Petitioner states that they “will develop soil and groundwater management plans and dispose of any excess soils consistent 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 used as backfill or whether the soils are contaminated. The Council recommends that the Petitioner provide the referenced soil and groundwater management plans, which should include provisions for the testing of the excavated soils to determine its suitability to be used as backfill.

The Council also 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 and vernal pools

The Petitioner states that a total of 34 wetlands and ten vernal pools were identified in or proximate to the Project area. The Petitioner also notes that one replacement structure and several matted work pads and/or access roads (both existing and proposed matted) would be near vernal pools and/or vernal pool envelopes (VPE). The Council recommends that the Petitioner minimize impacts to wetlands and vernal pool envelopes, within and near the project area, to the greatest extent possible. In addition, the Council recommends that the Petitioner utilize best development practices² within the VPE and critical terrestrial habitat along the proposed project area.

5. 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.

6. 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.” 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 vernal pools; 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)³.

¹ Vernal Pool Survey Report Wawecus Junction to Montville Junction Structure Replacement and OPGW Project, September 1, 2022.

² Calhoun, A. J. K. and M. W. Klemens. 2002. Best development practices: Conserving pool-breeding amphibians in residential and commercial developments in the northeastern United States. MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society.

³ [2002 Connecticut Guidelines for Soil Erosion and Sediment Control](#), Maintenance, 5.4.4.

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 style with a long, sweeping underline.

Paul Aresta
Executive Director