



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

December 14, 2022

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PETITION NO. 1549 – The Connecticut Light and Power Company d/b/a Eversource Energy (Petitioner) proposed 1714 Line Rebuild Project consisting of the replacement and reconductoring of approximately 9.4 miles of its existing Nos. 1714, 1720, and 1222 115-kilovolt (kV) electric transmission lines between Eversource’s Weston Substation, 85 Weston Street in Weston and the United Illuminating Company’s Old Town Substation, 122 Kaechele Place in Bridgeport, Connecticut.

Dear Attorney Bachman:

The Council on Environmental Quality (“Council”) offers the following comments regarding Petition 1549.

1. Best Management Practices

The Petitioner states that certain project activities, including but not limited to project work in or near wetlands and watercourses; tree removal/vegetation management, right-of-way (ROW) restoration, construction activities within the Coleytown Aquifer Protection Area (APA) and a water supply watershed, waste management, excess soils management, and soil erosion and sediment control 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 Petitioner references a Stormwater Pollution Control Plan and the Spill Prevention and Control Plan 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 on February 22, 2022 for the proposed project. 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, be provided for review by the Siting Council and members of the public. Such information would help to ensure that any authorization of the proposed action would not threaten the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat designated as essential to such species.

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 and that materials that cannot be utilized as backfill would be disposed 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 or spread in an upland area or whether the soils are contaminated. The Council recommends that the Petitioner provide a soil management plan, which should include provisions for the testing of the excavated soils to determine its suitability to be used as proposed.

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 43 wetlands were identified within the Project area and that two existing structures and two new structures would be located within the identified wetlands. The Petitioner also states that six vernal pools were identified and delineated within the project area and that a new mid-span structure and a portion of the work pad for two structures would be located within the vernal pool envelop (VPE) of two vernal pools. The potential impact of the proposed structure and work pad to the VPE would be contrary to the “Recommended Protection Measures” identified in Attachment E (1714 Line Rebuild Project Vernal Pool Survey) that states “permanent alteration of habitat should be avoided within vernal pool envelopes”. The Council recommends that the Petitioner 1) minimize impacts to wetlands and vernal pool envelopes to the greatest extent possible, 2) utilize best development practices¹ and the Petitioner’s own “Recommended Protection Measures” within the VPE and critical terrestrial habitat, and 3) assess the possibility of relocating the proposed new structure and shortening / shifting the work pad to areas outside of the affected VPE.

5. Watercourses and Groundwater

The Petitioner states that a total of 23 watercourses and waterbodies were delineated within the Project area, including three rivers; eight perennial brooks, creeks and streams; and 12 intermittent streams. Further, the Petitioner states that a total of 11 temporary watercourse crossings would be required during construction, including one work pad, one pull pad, one staging area and eight crossings for access roads. The Council recommends that the Petitioner utilize an environmental inspector to ensure that the proposed soil erosion and sediment control measures are appropriately installed and maintained, consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control², to minimize impacts of erosion and sedimentation on water resources within the project area.

The Petitioner also states that the project ROW is proximate to and traverses the Coleytown Level A Final Regulated Aquifer Protection Area (APA), and a portion of the project ROW crosses the Hemlocks Reservoir System Public Water Supply Watershed (PWSW). Consequently, the Council recommends that the Petitioner develop and implement a Spill Prevention and Control Plan to protect water resources, including but not be limited to: 1) restricting the servicing of construction vehicles and equipment near water resources and within the identified APA and PWSW, 2) restricting the refueling of construction vehicles and machinery near water resources and within the identified APA and PWSW and/or requiring that refueling of construction vehicles and machinery be done on an impervious surface with secondary containment in other areas, 3) restricting the storage of fuel and other hazardous materials near water resources and within the identified APA and PWSW, 4) ensuring that the use of any herbicides is strictly controlled and applied by a state-licensed pesticide/herbicide applicator near water resources and utilizing

¹ 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.

² Routine Energy (transmission) Administrative Notice List, Connecticut Siting Council; https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Administrative-Notice-List-Items/Routine-Energy-transmission-Admin-Notice-List; Connecticut Guidelines for Soil Erosion and Sediment Control, DEP Bulletin 34 (May 2002, last revised September 2007), Connecticut Department of Energy and Environmental Protection; <https://portal.ct.gov/DEEP/Water/Soil-Erosion-and-Sediment-Control-Guidelines/Guidelines-for-Soil-Erosion-and-Sediment-Control>

alternative means of managing vegetation without the use of herbicides within the identified APA and PWSW, 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. Vegetation Management

The Petitioner states that select tree removal would be required for off-ROW access through Brett Woods Conservation Area and that approximately a dozen trees will be removed to allow construction equipment to access certain structures. In addition, the Petitioner states that the town of Fairfield has requested that Eversource not restore the off-ROW access road through Brett Woods Conservation so that it remains as an improved walking trail. Consequently, the Council recommends that the Petitioner develop a plan to replace the same number of trees that are removed within the Brett Woods Conservation Area with native trees and that the Petitioner consult with the town of Fairfield to identify appropriate locations within Brett Woods for the replacement trees.

8. Inspections

The Petitioner states that “temporary E&S control measures would be maintained and inspected throughout 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; ensuring that the Spill Prevention and Control Plan is adhered to, especially within the APA and PWSW; 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.

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,



Paul Aresta
Executive Director

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