



## STATE OF CONNECTICUT

# COUNCIL ON ENVIRONMENTAL QUALITY

April 27, 2023

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PETITION NO. 1567 - The Connecticut Light and Power Company d/b/a Eversource Energy petition for a declaratory ruling for the proposed 1637/1720 Lines Rebuild Project consisting of the replacement and reconductoring of electric transmission line structures along its existing 4.0 mile electric transmission line right-of-way shared by its existing 115-kilovolt (kV) Nos. 1637 and 1720 Lines between Grist Mill Road in Norwalk, Norwalk Junction in Wilton, and Weston Substation in Weston, Connecticut traversing the municipalities of Norwalk, Wilton, and Weston, and related electric transmission line and substation improvements.

Dear Attorney Bachman:

The Council on Environmental Quality (“Council”) offers the following comments regarding Petition 1567.

### 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 flood zones; right-of-way (ROW) restoration; procedures for the proper storage, secondary containment, and handling of diesel fuel, motor oil, grease, and other lubricants; erosion and sedimentation control; invasive species control; disposal of construction debris; tree trimming/vegetation management and other construction related activities would be done in accordance with the Petitioner’s April 2022 Construction & Maintenance Environmental Requirements, Best Management Practices Manual for Massachusetts, and Connecticut (“BMPs”). 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. 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“. The Petitioner also notes that the Project area passes over at least four Federal Emergency Management Agency (FEMA)-designated 100-year flood zones. The Council recommends that no excavated soils be spread within the flood zone areas. In addition, the Petitioner states that (soil) “materials that cannot be managed within the ROW would be disposed off-site in accordance with applicable regulations“. The Council supports the proper management of excavated soils; however, there is no mention of the process that the Petitioner would undertake to determine if the soils are suitable to be “managed within the ROW” or whether the soils are contaminated. Given the developed nature of portions of the existing ROW, the Council recommends that the Petitioner provide a management plan for the excavated soils, including but not limited to 1) provisions for testing to determine its suitability to be stored or

spread, and 2) procedures for the handling of contaminated soils.

### **3. Vegetation**

The Petitioner states that “in sensitive resource areas, Eversource would require the contractor to use low-impact methods to remove brush vegetation to protect wetlands and watercourses. Low impact methods incorporate a variety of approaches, techniques, and equipment to minimize site disturbance” versus using mechanical methods. The Council supports the Petitioner’s proposed use of “low impact” methods for vegetation management in or proximate to critical environmental resources. The Council recommends that the areas to be designated for “low impact methods” be depicted on the project plans and that an environmental inspector ensure that the contractor(s) conforms to using such methods in the designated areas.

### **4. Erosion and Sedimentation (E&S) Controls**

The Petitioner states that “temporary gravel tracking pads would be installed at points of construction vehicle ingress/egress from the ROW to minimize the potential for equipment to track dirt onto local roads” and that “project construction would conform to best management practices for E&S control, including those provided in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (“Connecticut Guidelines”) and Eversource’s BMPs.” The Council notes the importance of installing and maintaining E&S controls throughout the proposed project and supports the Petitioner’s efforts to minimize erosion within the proposed project area. The Council also notes that plastic netting used in a variety of erosion control products has been found to entangle wildlife, including reptiles, amphibians, birds and small mammals. The Council recommends that the Petitioner use erosion control products that avoid/minimize the potential for wildlife entanglement.

### **5. Wetlands, Watercourses and Vernal Pools**

The Petitioner states that a total of 20 wetlands, eleven watercourses, and two vernal pools were identified within or proximate to the project area. The Petitioner also notes that proposed project activities require the replacement of lattice structures that are located within wetlands. The Council recommends that the Petitioner minimize impacts to wetlands, watercourses, vernal pools and vernal pool envelopes (VPE), within and near the project area, to the greatest extent possible. In addition, the Council recommends that the Petitioner utilize best development practices<sup>1</sup>, in addition to the proposed protective measures identified in Attachment F, within the VPE and critical terrestrial habitat along the proposed project area.

### **6. Water Supply**

The Petitioner states that the Project ROW is proximate to and passes through the Coleytown Level A Final Regulated Aquifer Protection Area (APA). The Petitioner also states that they would “require its contractors to employ best management practices for the proper storage, secondary containment, and handling of diesel fuel, motor oil, grease, and other lubricants, to protect water quality within the Project area”. The Council supports such efforts and recommends that the best management practices include, but not be limited to: 1) restricting the servicing and refueling of construction vehicles and equipment near water resources and within the identified APA, 2) requiring that refueling of construction vehicles and machinery be done on an impervious surface with secondary containment in other nearby areas, 3) restricting the storage of fuel and other hazardous materials near water resources and within the identified APA, 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 alternative means of managing vegetation without the use of herbicides within the identified APA, and 5) providing a fuel spill remediation kit(s) onsite for construction contractors and training the contractors on its proper use.

### **7. 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 species. The Petitioner states that invasive species

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<sup>1</sup> 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.

have been identified within both upland and wetland work areas along the proposed project and that they would follow the practices outlined in the BMP Manual and those identified in the Petition materials (page 21) to control the potential spread of invasive species. The Council supports measures to control the establishment and spread of invasive species and recommends that an environmental inspector ensure that the contractor(s) conforms to the requirements of the invasive species control plan.

#### **8. Inspections and Education**

The Petitioner states that a Stormwater Pollution Control Plan (SWPCP) would be developed for the proposed project and that “SWPCP inspections would be in accordance with the General Permit requirements”. The Petitioner also states that “temporary E&S control measures would be maintained and inspected throughout the Project” and that “temporary construction mats “in floodplains will be inspected immediately after storms to ensure that lateral movement has not occurred”. The Council recommends that an environmental inspector have access to the project area during construction and undertake inspections a minimum of weekly and within 24 hours of the end of a storm that generates a discharge that equals or exceeds 0.5 inches of precipitation. Further, the Council recommends that the Petitioner provide details regarding the extent of the environmental inspector’s duties, which should include but not be limited to protecting wetlands, watercourses, and vernal pools; ensuring erosion and sedimentation controls are installed and functioning properly; ensuring the appropriate use of low impact methods for vegetation management; and ensuring that the invasive species control plan is implemented to minimize the transport and establishment of invasive species.

The Council also recommends that prior to work onsite and initial deployment/mobilization of equipment and materials, the contractor(s) should attend a pre-construction meeting with an environmental inspector to learn about the locations of, and mitigation measures for, protection of wetland and water resources, vegetation management, invasive species control, stormwater management, and groundwater resources (APA) to better protect environmental resources proximate to the proposed work areas.

#### **9. Disposal of Materials**

The Petitioner states that “waste materials, such as structure components (i.e., materials from the removed structures, conductor, shield wire, associated hardware, etc.) and any other construction debris would be disposed of in accordance with Eversource’s BMPs, applicable regulations or recycled consistent with applicable rules and regulations”. The Council is concerned about the disposal of wood support structures, which historically were treated with chemicals, including pentachlorophenol - a highly toxic substance. It would be unfortunate if chemically treated wood poles were offered to farms and sawmills for re-use without sufficient disclosure of the hazards of working with such materials. The Council recommends that the Siting Council should require documentation of the actual method of disposal for the removed wood support structures and any other potentially hazardous materials to ensure the health and safety of the public and the environment.

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