STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

May 25, 2023

Melanie Bachman, Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

PETITION NO. 1573 - The Connecticut Light and Power Company d/b/a Eversource Energy (Petitioner) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed Brookfield Junction to Bates Rock Substation Upgrade Project consisting of the replacement and reconductoring of electric transmission line structures along approximately 6.7 miles of its existing electric transmission line right-of-way (ROW) shared by its existing 115-kilovolt (kV) Nos. 1887, 1268, and 1485 Lines between Brookfield Junction in Brookfield and Shepaug Substation in Newtown, and along approximately 0.5 mile of its existing electric transmission line right-of-way shared by its existing 115-kV Nos. 1622 and 1485 Lines between Shepaug Substation and Bates Rock Substation in Southbury.

Dear Attorney Bachman:

The Council on Environmental Quality ("Council") offers the following comments regarding Petition 1573.

1. Best Management Practices

The Petitioner states that certain project 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. Water Supply

The Petitioner states that the Project ROW is proximate to and passes through two Aquifer Protection Areas (APA). The Petitioner also states that contractors would be required 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 the Petitioner's efforts to protect surface and groundwater resources 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 APAs, 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 APAs, 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 APAs, and 5) providing a fuel spill remediation kit(s) onsite for construction contractors and training the contractors on its proper use.

3. Wildlife

The Petitioner states that "due to the proximity to wetland and vernal pools, nesting habitat for amphibians such as aquatic turtles, salamanders and some species of frogs may be present". In addition, the United States Fish and Wildlife Service (USFWS) Information, Planning, and Consultation (IPaC) tool indicated that two federally listed threatened species, the northern long-eared bat (NLEB) and bog turtle may be present in the project area. Since the Petitioner notes that 1) the proposed project involves the removal of approximately 3.5 acres of trees, and 2) the towns of New Milford, Bridgewater, and Roxbury, located north of the project area, are areas with known NLEB hibernacula,[1] the Council recommends that the Petitioner consult with the Connecticut Department of Energy and Environmental Protection (CTDEEP) Wildlife Division regarding protective measures, such as time of year restrictions on tree removal, to minimize any potential impacts on NLEB. The Council also recommends that Petitioner consult with DEEP to develop and implement a herpetofauna protection plan to avoid unintentional impacts/mortality to herpetofauna (i.e., spotted salamander, wood frog, turtles, etc.) during construction.

4. Soils

The Petitioner states that "the project corridor traverses residential and commercial properties, undeveloped forest land and agricultural lands." Since the proposed project has the potential to impact farmland and agricultural soils, the Council recommends that the Petitioner 1) provide appropriate notice of the proposed work to farm owners/operators, 2) coordinate the proposed construction activities to minimize adverse impacts to farming operations, and 3) employ best practices during construction, such as minimizing grading, trenching, and compaction, to protect farmland soils.

4. Vegetation

The Petitioner states that "the tree clearing work associated with the Project would result in an estimated total permanent conversion of approximately 3.47 acres of upland forest habitat to early successional scrub-shrub or herbaceous habitat areas". The Council recommends that the Petitioner minimize the removal of native trees to the extent practicable. The Petitioner also states that "in limited areas, Eversource would require the contractor to use low-impact methods to protect wetlands, watercourses, state-listed species and their habitats, and cultural resources" versus using mechanical methods. The Council supports the Petitioner's proposed use of "low impact methods" for vegetation management in or proximate to 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 low impact methods in the designated areas.

5. 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 and sedimentation within the project area. The Council 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 1) remove the E&S controls after the proposed work area is stabilized, 2) avoid/minimize the use of E&S control measures that are made of plastic, and 3) use erosion control products that avoid/minimize the potential for wildlife entanglement.

6. Wetlands, Watercourses, Vernal Pools and Flood Zones

A total of 35 wetlands, 33 watercourses, and two vernal pools were identified within the project area. The Petitioner notes that six replacement structures and the proposed gravel work pads and access roads would be located in wetlands resulting in approximately 1,040 square feet of permanent wetland impacts and 2.5 acres of temporary impacts to wetlands. The Petitioner also notes that existing and proposed work areas

[1] CT DEEP, northern long-eared bat map, https://portal.ct.gov/-/media/DEEP/NDDB/NoLongEaredBat-Map.pdf

and/or access roads would be in close proximity to the two vernal pools and the associated vernal pool envelopes (VPEs). The Council recommends that the Petitioner minimize impacts to wetlands, watercourses and the VPEs, within project area, to the greatest extent possible. In addition, the Council recommends that the Petitioner utilize best development practices[2], in addition to the proposed protective measures identified in the Petition, Part 1, page 21, within the VPEs for the two identified vernal pools.

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 notes that invasive species do exist within the ROW uplands and wetlands and that temporary construction mats would be used to traverse streams or wetlands. The Petitioner also states that "the project would implement Eversource's BMPs to minimize the disturbance and spread of soil and/or plant matter as specified in its BMP Manual for the control of invasive species", including those identified in the Petition materials, Part 1, page 24 to control the potential spread of invasive species. The Council supports the 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 plan to control invasive species.

8. Inspections and Education

The Petitioner notes that a project-specific Stormwater Pollution Control Plan (SWPCP) would be developed for the proposed project and that temporary E&S control measures would be maintained and inspected throughout the Project, and there are other general references to inspections for the proposed project. The Council supports the presence of an environmental inspector who would be available onsite during the construction; however, information on the inspector's duties and timing for inspections is not well documented. The Council recommends that 1) inspections be done a minimum of weekly and within 24 hours of the end of a storm that generates a discharge that equals or exceeds 0.5 inch, and 2) 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 and the VPEs; ensuring E&S controls are installed and functioning properly; ensuring that the invasive species control methods are 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, state and/or federally listed species, invasive species control, stormwater management, and vegetation management to better protect environmental resources with and proximate to the proposed work areas.

9. Disposal of Materials

The Petitioner states that "components removed during the work (structures, conductor, hardware, and insulators) may be temporarily accumulated and stored at the staging areas prior to removal off-site for salvage or disposal". 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 Petitioner provide documentation to the Siting Council regarding the method / location of ultimate 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.

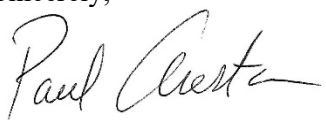
The Council's comments above address only certain elements of the materials provided by the Petitioner at the time of the filing. Additional information can become evident through comments offered by other parties and during the Siting Council's administrative hearing process. The absence of comment(s) by this Council about any Petition or Application, or any aspects thereof, may not be interpreted as an endorsement

[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.

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