



## STATE OF CONNECTICUT

# COUNCIL ON ENVIRONMENTAL QUALITY

May 25, 2023

Keith Ainsworth  
*Acting Chair*

Alicea Charamut

Christopher Donnelly

David Kalafa

Kip Kolesinskas

Matthew Reiser

Denise Rodosevich

Charles Vidich

William Warzecha

\_\_\_\_\_  
Paul Aresta  
*Executive Director*

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

PETITION NO. 1574 - The Connecticut Light and Power Company d/b/a Eversource Energy (Petitioner) petition for a declaratory ruling for the proposed Southington Substation to Cook Hill Junction Rebuild Project consisting of the replacement and reconductoring of electric transmission line structures along approximately 11.2 miles of its existing electric transmission line right-of-way (ROW) shared by its existing 115-kilovolt (kV) Lines between Southington Substation in Southington and Cook Hill Junction in Wallingford including the installation of approximately 650 feet of the 1690 Line underground at Lucchini Junction in Meriden, traversing the municipalities of Southington, Cheshire, Wallingford, and Meriden.

Dear Attorney Bachman:

The Council on Environmental Quality ("Council") offers the following comments regarding Petition 1574.

### **1. Best Management Practices**

The Petitioner notes 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). In addition, the Petitioner notes that several work areas would be within a Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDB) buffer area, that the "NDDB program has issued protective measures to be employed by the Project in these areas", and that work will be conducted in accordance with these NDDB protective measures and with Eversource's BMPs. The Council recommends that the referenced BMPs, the NDDB determination with the protective measures, 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 Resources and Water Supply**

The Petitioner states that the Project ROW is proximate to or passes through six Aquifer Protection Areas (APA) and two public water supply watersheds. The Petitioner also states that contractors would be required to "employ best practices for the proper storage, secondary containment, and handling of diesel fuel, motor oil, grease and other lubricants – including implementing precautions and protocols for refueling practices, and accidental spill response readiness - to protect water resources 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, 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. In addition, the Council recommends that the Petitioner notify the Connecticut Department of Public Health, Drinking Water Section and the Regional Water Authority of the proposed project schedule and activities within the public water supply watersheds.

### **3. Soils**

The Petitioner states that “land uses in the Project area vicinity consist of a mix of rural, residential, industrial, recreational, 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 in limited areas, the contractor(s) would be required to use low-impact methods to remove brush vegetation to protect wetlands, vernal pools, 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 notes 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 E&S control products that avoid/minimize the potential for wildlife entanglement.

### **6. Wetlands, Watercourses, Vernal Pools, and Flood Zones**

The Petitioner identified 80 wetlands, 45 watercourses (perennial and intermittent streams), nine vernal pools, ponds, water protection areas and Federal Emergency Management Agency- (FEMA) designated flood zones within the project area. The Petitioner notes that 18 replacement structures and some of the proposed access roads and work pads would be located in wetlands resulting in approximately 1,300 square feet of permanent wetland impacts and seven acres of temporary impacts to wetlands. The Petitioner also notes that temporary impacts are anticipated within the 100-foot vernal pool envelope (VPE) associated with several of the identified vernal pools in order to facilitate access to structures and/or for establishment of work areas. The Council recommends that the Petitioner minimize impacts to wetlands, watercourses and the VPEs, within and near the project area, to the greatest extent possible and that best development practices<sup>1</sup> be utilized in addition to other protective measures that might be identified in the Petitioner’s BMPs. In addition, changes in water flow patterns and depressions caused by construction activities, which could result in a “decoy pool” or “sink” feature, could potentially affect breeding amphibians. The Council also recommends that the proposed development not alter the hydrology of the VPEs and that the contractors eliminate any “decoy pools” within the VPEs.

### **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

---

<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.

exist within both upland and wetland work areas and that temporary construction mats would be used to traverse streams or wetlands. The Petitioner also notes that the contractors “will follow the practices listed in the BMP Manual to control the potential spread of invasive species”, including those identified in the Petition materials, pages 16 and 17 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 states “temporary E&S control measures would be maintained and inspected by a qualified inspector for the duration of the Project, through site stabilization, 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”. The Council supports the presence of an environmental inspector who would be available onsite during construction and recommends that the Petitioner expand the inspector’s duties to include, but not limited to: 1) ensuring that the contractor(s) adhere to the protective measures for the state-listed species identified by the NDDDB; protecting vernal pools and the VPEs; ensuring that low impact vegetation management methods are employed in the designated areas; and 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-listed species, invasive species control, stormwater management, spill control measures, and vegetation management to better protect environmental resources within and proximate to the proposed work areas.

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

The Petitioner states that “waste materials, such as structure components (i.e., wood and steel from the removed structures, associated hardware, etc.), conductor, shield wire, and any other construction debris would be reclaimed through the Eversource “Investment Recovery System” and/or managed/disposed of in accordance with Eversource’s BMPs, applicable regulations or recycled consistent with applicable rules and regulations and Eversource policies”. The Council supports the Petitioner’s intent to properly manage waste materials but is concerned about the proper 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 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