



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

June 29, 2023

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PETITION NO. 1576 - 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 Middletown Substation to Oxbow Junction Upgrade Project consisting of the replacement of electric transmission line structures along approximately 5.5 miles of its existing No. 1620 115-kilovolt (kV) electric transmission line right of way between Middletown Substation in Middletown and Oxbow Junction in Haddam, Connecticut, and related electric transmission line and substation improvements.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1576.

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 portions of the project area are near documented state-listed species or significant natural communities and that the Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDDB) program issued a determination with "recommendations and protection strategies" to avoid or minimize impact to habitats that may support rare species. The Council recommends that the referenced BMPs, the NDDDB determination with the recommendations and protective strategies, 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. Wetlands, Watercourses, and Vernal Pools

The Petitioner identified 33 wetlands, 12 watercourses, and one of three vernal pools (VP2) located proximate to the proposed structures replacements and work pads/access roads associated with the proposed project. Although the proposed work pad for replacement structure 14027 is located just outside the boundary of the 100-foot vernal pool envelope (VPE) associated with VP2, the Council recommends that the boundary of the VPE for VP2 be delineated and marked in the field to avoid any encroachment. The Petitioner also notes that the placement of timber mats for temporary access (W10) and a work pad (W56) would have temporary impacts on approximately 7,113 square feet of wetlands. The Council recommends that the Petitioner minimize impacts to wetlands and watercourses, within and near the project area, to the greatest extent possible. To that end, the Council questions if the proposed work pad for replacement structure 14049 could be located outside of the wetland area (W56).

In order to protect water resources in the project area, the Council recommends that the Petitioner require the contractors 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.

3. Vegetation

The Petitioner states that the contractor(s) would be required to use low-impact vegetation removal and side trimming methods to remove brush vegetation in designated areas to protect state-listed species and their habitats. The Council supports the Petitioner's proposed use of "low impact" methods for vegetation management proximate to habitat for state-listed species. 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.

4. Erosion and Sedimentation (E&S) Controls

The Petitioner notes that the potential for tracking dirt onto local paved roads will be monitored by the project personnel and that any such tracking will be promptly swept and removed. The Council recommends that gravel anti-tracking pads be installed at points of construction vehicle ingress/egress to the ROW to minimize the potential for equipment to track dirt onto local roads. The Petitioner also states 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 the 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 also notes that plastic netting used in a variety of E&S 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, 3) use E&S control products that avoid/minimize the potential for wildlife entanglement, and 4) consider utilizing updated methods and techniques for minimizing erosion and sedimentation based on the best currently available technology, as identified in the draft Soil Erosion & Sediment Control Guidelines update.

5. Invasive Species

The proposed work has the potential to introduce or expand invasive species. The Petitioner notes that timber mats would be used in wetland areas but provides no details regarding measures to clean the construction equipment and timber mats to eliminate or minimize the potential spread of invasive species. The Council recommends that the Petitioner develop and implement an invasive species control plan to minimize the spread and establishment 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.

6. Inspections and Education

The Petitioner states that "temporary E&S control measures would be maintained and inspected for the duration of the Project" and that the project-specific Stormwater Pollution Control Plan (SWPCP) inspections would be performed in accordance with the General Permit requirements". The Council supports the presence of an environmental inspector who would be available onsite during construction and recommends that inspections be conducted 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 also recommends that the Petitioner expand the inspector's duties to include, but not limited to: ensuring that the contractor(s) adhere to the protective measures for the state-listed species identified by the NDDDB and the spill prevention plan; ensuring that low impact vegetation management methods are employed in the designated areas; and ensuring that invasive species control methods are implemented to minimize the spread 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, and vegetation management to better protect environmental resources within and proximate to the proposed work areas.

7. Disposal of Materials

The Petitioner states that "waste materials, such as structure components (i.e., wood and steel from the removed structures, shield wire, associated hardware, etc.) 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 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,

A handwritten signature in black ink, appearing to read "Paul Aresta". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Paul Aresta
Executive Director