



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

Keith Ainsworth
Acting Chair

Alicea Charamut

Christopher Donnelly

David Kalafa

Kip Kolesinskas

Matthew Reiser

Denise Rodosevich

Charles Vidich

William Warzecha

Paul Aresta
Executive Director

July 26, 2023

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

PETITION NO. 1582 - 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 Pootatuck to West Devon Rebuild Project consisting of the replacement and reconductoring of electric transmission line structures along approximately 3.3 miles of its existing electric transmission line right-of-way (ROW) shared by its existing 115-kilovolt (kV) 1580, 1241, 1483 and 1545 Lines between The United Illuminating Company's (UI) Pootatuck Substation in Shelton, UI's Trap Falls Substation in Shelton and Eversource's West Devon Junction in Stratford, traversing the municipalities of Shelton and Stratford, Connecticut, and related electric transmission line and substation improvements.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1582.

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 (NDDB) program issued a determination (No. 202210365) with "recommendations for protection of listed species". The Council recommends that the referenced BMPs, the NDDB determination with the recommendations, 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 17 wetlands, six watercourses, and two vernal pools located proximate to the proposed structures replacements and work pads/access roads associated with the proposed project. The Petitioner also notes that the number of replacement structures within the wetlands would increase from eight to fourteen, resulting in both temporary and permanent effects to wetlands. The Council recommends that the Petitioner minimize impacts to wetlands and watercourses, within and near the project area, to the greatest extent possible. In addition, the Council recommends that the Petitioner utilize best development practices¹, in addition to the proposed protective measures identified in the Petition, Attachment E, Vernal Pool Report, within the vernal pool envelopes (VPE) for the two identified vernal pools.

In order to protect water resources in the project area, the Council recommends that the Petitioner develop and implement a spill control plan and 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 cutting of vegetation within the ROW corridors, the pruning of trees and removal of hazardous trees² along the edges of the ROW will be completed on foot by ground crews, but that in some locations the use of equipment to complete the work might be necessary. The Council recommends that the use of equipment for vegetation removal be limited in environmentally sensitive areas, such as in wetlands and the VPEs. The Council also recommends that such areas designated for ground crews be depicted on the project plans and that an environmental inspector ensure that the contractor(s) conforms to using ground crews in the designated areas.

4. Agriculture

The Petition, Attachment A, Sheet 1 of 7 depicts the existing ROW traversing the property for Wells Hollow Farms and Wells Hollow Creamery. Since the proposed project could impact the referenced agricultural operation and potentially other farmland and agricultural soils along the existing ROW, the Council recommends that the Petitioner 1) provide appropriate notice of the proposed work to farm owners/operators, 2) confirm that the proposed construction activities would not adversely impact farm operations, and 3) employ best practices during construction, such as minimizing grading, trenching, and compaction to protect farmland soils which are a critical part of successful agriculture.

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 to minimize the potential for equipment to track dirt onto local roads. The Petitioner also states that “erosion and sedimentation (“E&S”) controls would be installed and maintained until completion of the work in accordance with Project permits and Eversource’s BMP’s”. The Council notes the importance of installing and maintaining E&S controls throughout the proposed project and recommends that the Petitioner 1) adhere to the Avoidance and Minimization Measures, identified in the Petition, Attachment E (5.2) for Erosion and Sedimentation Controls throughout the project area, and 2) 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 (2023).

6. Inspections and Education

The Petitioner states that “temporary E&S control measures will be installed prior to any site work and would be maintained and inspected for the duration of the Project to ensure their integrity and effectiveness and for compliance with the General Permit. 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 recommended protective measures for the state-listed species identified by the NDDB; ensuring that the use of ground crews for vegetation management are utilized in the designated areas; and ensuring that invasive species control methods, identified in the Petition (pg. 16), are implemented to minimize the spread and establishment of invasive species.

The Petitioner also states that protection measures would include, but are not limited to contractor training and education, time of year best management practices, monitoring, and installation of exclusionary features as directed by qualified individuals. The Council supports the contractor training and education and

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 As defined by Connecticut General Statutes Section 16-234.

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 wetlands, VPEs, water resources, and state-listed species; invasive species control; stormwater management; vegetation management; and spill prevention/control to better protect environmental resources within and proximate to the proposed work areas.

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 that reads "Paul Aresta". The signature is written in a cursive style with a long horizontal stroke at the end.

Paul Aresta
Executive Director