



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

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VIA ELECTRONIC MAIL

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Melanie Bachman, Executive Director
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PETITION NO. 1642 - 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 Danbury Underground Cable Replacement Project consisting of the replacement and partial relocation of its existing 115-kilovolt (kV) 1270 and 1337 high pressure fluid filled (HPFF) electric transmission cables with cross linked polyethylene (XLPE) electric transmission cables along approximately 3.6 miles of existing and new right-of-way between Triangle Street Substation and Middle River Substation in Danbury, Connecticut and related electric transmission cable and substation improvements.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1642.

1. Best Management Practices and Documents

The Petitioner notes that certain project activities including, but not limited to, dewatering, work in or near water resource areas, right of way restoration, measures to control the disturbance and spread of invasive species, erosion and sedimentation (E&S) control measures, handling of excessive soils, etc. would be done in accordance with the Petitioner's April 2022 Construction & Maintenance Environmental Requirements, Best Management Practices Manual for Massachusetts, and Connecticut (BMPs) and the project-specific Stormwater Pollution Control Plan. In addition, the Petitioner notes that "Eversource submitted an application to NDDDB and received a Determination on September 12, 2024, identifying a listed species within the NDDDB area of the Project, along with protection measures". However, neither the Connecticut Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDDB) determination letter nor any details regarding the protection measures are included in the Petition filing. The Council recommends that the referenced BMPs, the NDDDB determination letter with any recommendations for protection 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. Staging Areas

The Petitioner states that "the Project has not yet determined where or how many staging areas will be required for the work" and that such staging areas "would be used for storage of construction materials, equipment, tools, and supplies (including conductors, cable reels,

hardware, and mats) for the Project”. The Council suggests that the staging areas selected by the Petitioner and its subcontractors be assessed for the presence of wetlands, watercourses, state-listed species and other environmentally sensitive resources and that such assessment information be provided to the Siting Council for consideration and inclusion in the record.

3. Sedimentation

The Petitioner states that “where groundwater or stormwater generated from rain events is present, water from excavated areas would be pumped and discharged through a filter bag (silt sack) before being directed to the storm sewer catch basin with filter protection”. The Council supports the use of erosion and sediment control measures identified in the Petition and the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, and the use of independent inspectors to ensure that proposed construction activities are undertaken as specified in the stormwater pollution control plan (SWPCP). However, the Council is concerned that the discharge of dewatering wastewater and runoff containing dirt/sediment from paved surfaces adjacent to the proposed trenching might still introduce excessive sediment into stormwater infrastructure which might then be discharged to wetlands and water resources. The Council recommends that the SWPCP also include provisions specifically for dewatering inspections, which should be completed more frequently than once per week.¹

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

¹ Environmental Protection Agency (EPA), Inspection and Monitoring Guide for Construction Dewatering (EPA’s 2022 Construction General Permit), February 2022; EPA 833-B-22-001; [Inspection and Monitoring Guide for Construction Dewatering, EPA’s 2022 Construction General Permit, February 2022.](#)