



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

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VIA ELECTRONIC MAIL

November 20, 2024

Melanie Bachman, Executive Director
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PETITION NO. 1649 – 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 proposed modifications to its existing Falls Village Substation and associated equipment located at 35 Water Street, Canaan, Connecticut, and related electric transmission line structure replacement and improvements.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1649.

1. Best Management Practices and Documents

The Petitioner notes that certain project activities including, but not limited to, Appalachian Trail restoration work, right of way restoration, measures to control the disturbance and spread of invasive species, erosion and sedimentation (E&S) control measures, stormwater management, dewatering, construction matting within the floodzone, soil handling and materials management would be done in accordance with the Petitioner's Best Management Practices for Massachusetts and Connecticut, April 2022 ("BMP Manual" or "BMPs"). In addition, the Petitioner notes that "the Project Area is located within a New England Cottontail ("NEC") Focus Area. Eversource would restore work areas in accordance with Eversource's current New England Cottontail BMPs to minimize potential effects to NEC habitat". However, neither the Petitioner's BMP Manual nor the New England Cottontail BMPs are included in the Petition filing. 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. Wildlife

The Petitioner states that "based on review of the CTDEEP Natural Diversity Database ("NDDB"), the Project is located within an NDDB buffered area, but is not subject to an NDDB Review Request". In addition, the Petitioner states that "from past work within the ROW, Eversource is aware of known populations of state-listed plants located near the project area". However, it is unclear if there was a NDDB determination for any "past work within the ROW", whether it is still applicable since such a determination usually expires after two years, and whether any such determination was specific to the proposed project area. The Council

recommends that the Petitioner provide the Siting Council with the most recent NDDB determination letter for the proposed project area, if valid, or provide a new NDDB determination letter for inclusion in the record, consideration, and possible incorporation into permits.

3. Inspections and Stormwater

The Petitioner states that “the Project will not disturb more than 1 acre of soil and thus will not require a CTDEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities”. The Petitioner also states that “the north Substation fenced area (the “9A-2”) is approximately 0.20 acre, and the south Substation fenced area (“9A-1”) is approximately 0.51 acre. Once combined, the total fenced area will be approximately 1.3 acres”. The Council also notes that the Petitioner proposes to undertake work outside of the proposed fenced area including, but not limited to, the replacement/realignment of transmission line structures, the construction of detention basins, and the installation of vegetative screening. The Council suggests that the Petitioner confirm if the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (General Permit) would be applicable for the proposed construction activities in and around the proposed fenced compound. If the proposed construction activities are not subject to DEEP’s General Permit, the Council recommends that the Petitioner adhere to the inspection schedule, as detailed in footnote 24 of the Petition, for the proposed construction activities.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.²

Thank you for your consideration of the Council’s comments.

Sincerely,



Paul Aresta
Executive Director

¹ “E&S Controls will be inspected weekly and within 24 hours of the end of a storm that generates a discharge that equals or exceeds 0.5 inch. For storms of less than 0.5 inch, an inspection shall occur immediately upon the start of the subsequent normal working hours. In accordance with Section 5(b)(4)(B) (Routine Inspections) of the General Permit, E&S inspections will be made by a qualified inspector as defined by CT DEEP’s General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities.”