

COUNCIL ON ENVIRONMENTAL QUALITY



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VIA ELECTRONIC MAIL

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Melanie Bachman, Executive Director
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Re: PETITION NO. 1719 – SMART Technology Systems, LLC (Petitioner) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 45-megawatt trash-to-energy electric generating facility and associated equipment on six parcels (Parcel Nos. 007-053A-0045, 007-053A-0042, 007-053A-0043, 007-053A-0041, 008-053A-0147, and 008-053A-0134) owned by O&G Industries, Inc. located east of Black Hill Road (State Route 14) and west of the Providence and Worcester Railroad right-of-way, Plainfield, Connecticut, and associated electrical interconnection.

Dear Attorney Bachman:

The Council on Environmental Quality (Council) provides comments below regarding Petition 1719. By way of summary, the Council recommends the following:

- reduce the amount of particulate matter (PM2.5 and PM10) associated with vehicle fugitive road dust;
- protect wetlands and vernal pools on or proximate to the proposed site;
- assess, and if feasible, utilize the “Non-Forest” linear area that transects the central portion of the proposed site for the utility corridor and emergency access road;
- minimize the area of core forest that could potentially be impacted;
- use low-impact methods for vegetative management;
- assess, and if feasible, maintain the proposed electric transmission lines corridor as early successional habitat;
- ensure that the projected noise levels at the property line of the adjacent noise zones comply with applicable standards;
- assess, and mitigate if warranted, potential sources of odors from the proposed facility at abutting properties near the proposed facility ;
- ensure that the proposed facility complies with the applicable regulations for the control of odors;
- restrict the maintenance and/or refueling of any construction equipment or vehicles within 100 feet of a wetland or watercourse;
- monitor potable water at hydraulically downgradient wells near the proposed site, and develop a plan for the timely provision of safe drinking water in the event the local drinking water supply is adversely impacted; and
- adhere to all recommended protection measures identified in NDDDB’s final determination.

Air Quality

The Petitioner notes that “vehicle fugitive road dust” from the proposed project could contribute to 25.4 tons of PM10 and 6.35 tons of PM2.5 being emitted. The Council recommends that the Petitioner reduce the amount of particulate matter associated with vehicle fugitive road dust by employing additional measures/best practices.

Environmental Justice

The Council notes that the proposed project would be an "affecting facility" and would be located in an Environmental Justice community. The Petitioner states that they have reached out to Plainfield First Selectman Kevin Cunningham to discuss and evaluate the feasibility of a “community environmental benefit agreement” with provisions for education-related funding for Plainfield Schools, a power purchase agreement for Town of Plainfield facilities, and opportunities for noise and traffic mitigation. The Council supports measures to minimize potential impacts on the residents of Plainfield and the nearby communities.

Wetlands

The Petitioner notes that “a small (0.2-acre) portion of the Project area overlaps with a mixed-class palustrine forested and emergent wetland system associated with Sugar Brook to the west of the proposed Facility. Project activities in the vicinity of the wetland will be limited to installation and maintenance of an overhead transmission line extending to the proposed Eversource switchyard west of the Sugar Brook wetland complex. The transmission poles will be placed only within uplands.” Based on the available materials, it is unclear where the wetland boundaries are on the proposed site and what activities would be undertaken within 100 feet of the wetland boundaries. Further, the Petitioner states that “palustrine forested wetlands associated with Horse Brook and Sugar Brook occupy the eastern and western portions of the property, respectively. Smaller, isolated wetlands (some of which are vernal pools) occur throughout the site, primarily in the southern portion of the site.” It is also unclear where the vernal pools are located and what the potential impacts might be on the vernal pool envelope (VPE) (within 100 feet of the vernal pool) and the critical terrestrial habitat (CTH) (within 750 feet of the vernal pool). The Council recommends that the Petitioner maintain a minimum 100-foot buffer around all wetlands and vernal pools on or proximate to the proposed site, 2) assess the potential impacts to any VPEs and CTHs, identified by the Petitioner, and 3) implement protective measures to minimize potential impacts on vernal pool obligate species.

Access Drive and Utility Corridor

The Petitioner states that “a gravel emergency access drive has been constructed through the central portion of the site, replacing the originally proposed route along the western side of the property” and that “a utility corridor is still proposed along the western side of the property.” However, it is unclear why the proposed utility corridor “along the western side of the property” is needed since Figure 20 – Core Forest depicts a “Non-Forest” linear area that extends from the existing gravel operation in the southern portion of the site (proposed facility) towards Black Hill Road. The Council recommends that the Petitioner assess, and if feasible, utilize the “Non-Forest” linear area that transects the central portion of the proposed site for the utility corridor and emergency access road, in lieu of the proposed utility corridor along the western border of the proposed site, since that linear area is already cleared of vegetation.

Vegetation and Core Forest

The Petitioner notes that “SLR’s core forest interpolation found a total of 3.2 acres of existing core forest to be impacted (cleared) for the proposed Project, limited to two linear areas within the proposed emergency access/utility corridor and electrical transmission corridor.” However, the calculation for core forest acreage, which could potentially be impacted by the proposed facility, might not include the removal of trees in areas designated as edge forest. The removal of edge forest and the establishment of a new “non-forest boundary” would directly impact the total area designated as core forest. As noted above, Figure 20 – Core Forest depicts a “Non-Forest” linear area that extends from the existing gravel operation in the southern portion of the site towards Black Hill Road. The Council recommends that the Petitioner minimize the area of core forest that could potentially be impacted by the utility corridor and/or emergency access road.

The Petitioner states that “there will be some clearing of vegetation within the 100-foot easement for the powerline infrastructure”, which would be located west of the proposed facility. It is unclear if the Petitioner proposes to use “low impact methods” for vegetation management, such as utilizing hand clearing methods for vegetation removal work within the wetlands; using appropriately sized equipment for site conditions, where possible, to minimize impacts; and cutting brush close to the ground, leaving root systems and stumps, to retain soil stability. It is also unclear what the vertical clearance would be for the proposed overhead transmission line, and whether the proposed area of tree cutting could be maintained as early successional or shrubland habitat. Such shrubland habitat typically consists of woody shrubs and small trees less than 15 feet in height to benefit wildlife dependent on early-successional habitats. The Council recommends that the Petitioner use low-impact methods for vegetative management. The Council also recommends that the Petitioner assess, and if safe and feasible, maintain the proposed electric transmission line(s) corridor as early successional habitat.

Noise

The Sound Impact Assessment Report (Noise Assessment) aggregated the potential receptors into nine (9) distinct “noise sensitive areas” (NSA) or “noise groups”, and it is unclear what the projected noise level would be at the property line (noise zone boundary) between the proposed site and adjacent parcels. Indeed, noise group 7, which is projected to have the highest level of noise, is identified in Table 3.1-1 as being approximately 400 feet “from property line to NSA.” Further, the noise assessment fails to mention the potential for “prominent discrete tones”, which are defined in the Regulations of Connecticut State Agencies (RCSA) Section 22a-69-1.2, and might be caused by rotating machinery (fans and motors), electrical equipment, and other sources. The potential presence of prominent discrete tones may reduce the applicable noise limits by 5 dBA, and since the Noise Assessment estimated the sound level for Group 7 could be 44.5 dBA at approximately 400 feet from the property line, noise mitigation measures might be needed to ensure compliance with applicable standards. The Council recommends that the Petitioner ensure that the projected noise levels at the property line of the adjacent noise zones comply with applicable standards; assess the potential for the generation of prominent discrete tones associated with operation of the proposed facility; and assess the potential for the generation of impulse noise associated with operation of the proposed facility, such as a pressure relief valve. If it is projected that the noise from the proposed facility might exceed the applicable standard at adjacent noise zones, additional information regarding sound mitigation measures that could be employed to ensure compliance with applicable noise standards would also be helpful.

Odor

The Petitioner also states that “it is also important to note that the SMART facility will be buffered from potential non-industrial receptors by over 500 acres, further optimizing natural dilution in ambient air in the event of a temporary (unplanned) release.” While the proposed site is reported to be “over 500 acres”, some residential properties exist proximate to the proposed facility, especially the residential properties located southeast of the proposed facility, west of Lovers Lane (Figure 3). The Council recommends that the Petitioner assess, and mitigate if warranted, potential sources of odors from the proposed facility at abutting properties near the proposed facility.

The Petitioner notes that the proposed facility has been designed to preclude any detectable odors from the proposed facility’s operation by various means including, but not limited to, managing waste deliveries, using fast-acting overhead doors, using negative draft with biofilters, emergency flares, and a sulfuric acid bath to remove ammonia odors. The Petitioner also notes that “the CT DEEP regulates offsite detectable odor as an air pollutant, including stringent regulations and requirements regarding Facility Ambient Air Odor Control.” However, it is unclear whether the Connecticut Department of Energy and Environmental Protection (DEEP) has the resources to undertake the sampling to ensure compliance with the applicable regulations and possible enforcement. The Council recommends that the Petitioner conduct post-construction monitoring for odors, such as sampling of the ambient air at the proposed site’s property boundaries, to ensure that the proposed facility complies with the applicable regulations for the control of odors.

Groundwater and Spill Prevention

The Petitioner has provided a Spill Prevention, Control, and Countermeasure (SPCC) Plan that includes procedures for the prevention, containment, reporting, and cleanup of accidental releases of fuels, oils, chemicals, and other potentially hazardous materials during construction and operation of the proposed project. While the SPCC Plan primarily addresses operation of the proposed facility, certain provisions could apply during its construction including, but not limited to, requiring light duty construction support vehicles to be fueled on site with appropriate spill prevention measures in place, and restricting refueling within 100 feet of wetlands or watercourses “unless approved.” The Council recommends that the Petitioner restrict the maintenance and/or refueling of any construction equipment or vehicles within 100 feet of a wetland or watercourse.

The Council notes that DEEP identifies the groundwater quality within the proposed project area as “GA”, which is defined as “existing private and potential public or private supplies of water suitable for drinking without treatment.” The Council also notes that the properties around the proposed site are not within the Community Public Water System Service Area of the Connecticut Water Company (CTWC) and likely rely on private wells for their potable water. The Council recommends that the Petitioner develop and implement a plan for 1) the testing of potable water at hydraulically downgradient wells near the proposed site to establish a baseline of water quality and to monitor water quality during operations; and a plan 2) for the timely provision of safe drinking water in the event the local drinking water supply is adversely impacted.

Wildlife

The Petitioner states the Connecticut Department of Energy & Environmental Protection (DEEP) Natural Diversity Data Base (NDDB) “has most recently identified a total of 13 state-listed species and 3 critical habitats known to occur within or within proximity to the subject property,” based on a preliminary determination dated October 2, 2024, which had expired in 2025. Four additional species, identified in a prior NDDB Determination letter dated June 29, 2023, were also included in the Petitioner’s assessment regarding the potential presence of state-listed species. The Petitioner states that “the identified species and habitats will either not be impacted or will be protected through the implementation of conservation and mitigation measures.” The Council recommends that the Petitioner adhere to all recommended protection measures identified in NDDB’s final determination.

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

Sincerely,

Paul Aresta
Executive Director