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September 2, 2022

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

Reference: Connecticut Siting Council Docket No. 509 -Application of Homeland Towers, LLC for a Certificate of Environmental Compatibility and Public Need for the Construction, Maintenance and Operation of a Telecommunications Facility at 1837 Ponus Ridge Road, New Canaan, Connecticut

Dear Attorney Bachman:

Please find enclosed an original and 15 copies of a Supplemental Administrative Notice List dated September 2, 2022, for the JMB parties.

Please also note that at the continuation of the public hearing on September 8th, I will be requesting the opportunity to conduct a brief cross-examination of the applicants' witnesses regarding the materials submitted to the Siting Council on Wednesday and Thursday.

Thank you for your attention to this matter.

Very truly yours,

MORIARTY, PAETZOLD & SHERWOOD



David F. Sherwood

/mds

cc: Service List
Mark Buschmann
Jamie Buschmann

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE: :
:
:
APPLICATION OF HOMELAND : DOCKET NO. 509
TOWERS, LLC FOR A CERTIFICATE :
OF ENVIRONMENTAL COMPATIBILITY :
AND PUBLIC NEED FOR THE :
CONSTRUCTION, MAINTENANCE AND :
OPERATION OF A :
TELECOMMUNICATIONS FACILITY AT :
1837 PONUS RIDGE ROAD, NEW :
CANAAN, CONNECTICUT : September 2, 2022


SUPPLEMENTAL ADMINISTRATIVE NOTICE LIST OF PARTIES MARK
BUSCHMANN, TRUSTEE AND JAMIE BUSCHMANN, TRUSTEE, AND MARK
BUSCHMANN, INTERVENOR

Parties Mark Buschmann, Trustee and Jamie Buschmann, Trustee, and Mark Buschmann, intervenor under C.G.S. § 22a-19, request that the following additional items be administratively noticed.

1. *STATE OF CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION GUIDANCE DOCUMENT FOR EVALUATING POTENTIAL HYDROGEOLOGIC IMPACTS ASSOCIATED WITH BLASTING & DEVELOPMENT ACTIVITIES*, Bureau of Water Protection and Land Reuse Remediation Division, December 2019, (Rev. 12-12-19) https://portal.ct.gov/-/media/DEEP/site_clean_up/potable_water/Blasting-Guidance-Dec2019.pdf
2. Regulations of Connecticut State Agencies, Sec. 20-300b-20. Signing and Sealing.
https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_20Subtitle_20-300bSection_20-300b-20/

We reserve the right to offer additional materials to be administratively noticed as may be necessary during the hearing process.

PARTIES MARK BUSCHMANN, TRUSTEE
AND JAMIE BUSCHMANN, TRUSTEE, AND
MARK BUSCHMANN, INTERVENOR

By 

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Their Attorneys

CERTIFICATE OF SERVICE

I hereby certify that a copy of this administrative notice list was electronically mailed to the following service list on September 2, 2022.

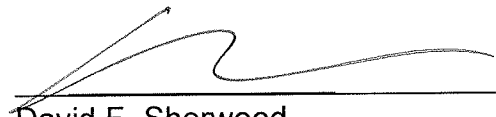
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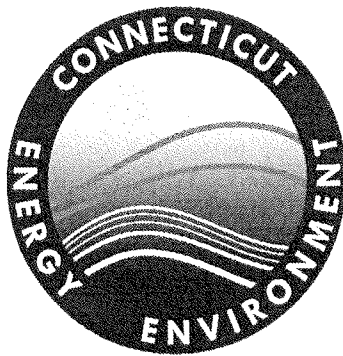
A handwritten signature in black ink, appearing to read "David F. Sherwood", written over a horizontal line.

David F. Sherwood
Commissioner of the Superior Court

STATE OF CONNECTICUT

DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION

**GUIDANCE DOCUMENT FOR EVALUATING
POTENTIAL HYDROGEOLOGIC IMPACTS
ASSOCIATED WITH BLASTING &
DEVELOPMENT ACTIVITIES**



**Bureau of Water Protection and Land Reuse
Remediation Division**

December 2019

(Rev. 12-12-19)

The following guidance is provided by the Department of Energy & Environmental Protection's Remediation Division for use by municipal land-use officials when evaluating proposed developments, road construction projects, or quarries where significant earth removal and/or blasting activities are likely to occur. Because of those types of activities, there is concern for possible negative impacts to the quality and quantity of water in neighboring drinking water wells, as well as other environmental factors such as erosion, sedimentation, and decreased surface water quality conditions.

One of the primary concerns is acid rock drainage (ARD), which is a natural process, but can be exacerbated when rock is crushed and used for fill or other purposes that expose the freshly crushed rock to precipitation. ARD is caused by the presence of bedrock containing high levels of iron sulfide (which is present in Eastern and Western Highlands and sometimes the central valley of CT), especially such rock that is freshly exposed or crushed and has been subjected to the elements/precipitation. Under these conditions, there is an elevated risk for mobilizing naturally-occurring iron, manganese, and sulfur, which may adversely affect groundwater and drinking water quality. In addition, increased mobilization of arsenic, uranium and/or radon can occur in areas where these naturally-occurring minerals are present in the bedrock formation.

The Department recommends that land use officials consider the following as part of the overall application review process:

1. The developer or applicant (the Applicant) should retain a geologist/hydrogeologist or engineer (Environmental Professional) to evaluate the underlying bedrock in terms of its potential to cause ARD. The town's land-use office should make sure that the Applicant acquires the services of a qualified Environmental Professional that has experience testing the mineralogy and chemistry of the rock material and evaluating the potential impacts of ARD. As such, there needs to be a detailed site plan developed by the Applicant's Environmental Professional that addresses best management practices for minimizing ARD conditions by ensuring proper handling, storage or disposal of the rock material on- and off- site and minimizing its contact with infiltrating precipitation and surface water runoff at the site.
2. After identifying all drinking water wells within a 500-foot radius of the area to be disturbed by proposed construction activities, the Applicant's Environmental Professional should evaluate which drinking water wells need to be sampled in order to establish baseline drinking water quality conditions prior to any active earth work or blasting activity. Consideration should be given to factors such as: well type and construction details; the nature, geologic structure, and mineral make-up of the underlying bedrock; and blasting/rock removal techniques. The town's land-use office, as part of the permit application review process, or as part of the pre-blast survey if blasting is necessary, should also require that the Applicant document the yield and capacity of the wells before the site work or blasting commences. Testing the raw water quality (prior to any water treatment devices) of nearby drinking water wells prior to construction or blasting activities will establish a baseline for comparing post-project test results, in the event a property owner makes a complaint that the project activities negatively impacted their well.

3. In the absence of drinking water wells within 500 feet of the area to be disturbed, the Applicant's Environmental Professional should identify the closest drinking water wells, if any, within a 1,000-foot radius. Depending on the location, proximity, well construction and other factors, consideration should be made as to whether the proposed blasting activity poses a concern to the quantity or quality of water at these locations. Should a concern exist, and in the absence of closer drinking water wells to monitor, the Department recommends a minimum of annual monitoring of water levels and water quality of the closest drinking water well until the development project is completed and the site has been stabilized.
4. The Department recommends that drinking water wells at risk of ARD from proposed blasting and earth removal activities be analyzed for the following drinking water quality parameters:
 - pH
 - odor
 - color
 - turbidity
 - total iron
 - total manganese
 - nitrate
 - nitrite
 - sulfate
 - coliform bacteria
 - arsenic
 - uranium
 - radon
 - ammonia perchlorate (*if the salts ammonium, potassium, magnesium, or sodium perchlorate is an ingredient of the blasting agent*)
 - total petroleum hydrocarbons using the CT extractable total petroleum hydrocarbons test method (*if the blasting materials contain ammonium nitrate fuel oil mixtures*)

All testing should be performed in an approved laboratory certified to test drinking water by the Connecticut Department of Public Health's Laboratory Certification Program.

5. Follow-up well water sampling should occur within one to two months following the blasting activity and again once the site has stabilized and ground cover has been established. The plan for such water sampling should be part of the Applicant's land-use application. Should the development project and site work continue over a prolonged period of time, annual testing of the potentially impacted drinking water wells should be performed to ensure there are no adverse effects to the drinking water quality.
6. If there is a change in drinking water quality during or after the blasting activity, the well owner should notify the Applicant and/or blasting contractor of the condition, and also

notify their local health department and DEEP's Remediation Division (860-424-3705) of the condition.

7. The static water level in potentially affected drinking water wells should also be monitored during and following completion of the site work and blasting activity to determine if the static water level in the well decreases to the extent there is a problem for domestic use. Major site work that significantly alters infiltration rates, diverts surface water flow, or creates deep rock cuts or fractures may seriously deplete the volume of water in nearby overburden or drilled bedrock drinking water wells. Wells accessed for purposes of water level monitoring will require the well to be properly disinfected prior to being reactivated following the Department of Public Health's *Publication #27: Disinfection Procedure for Private Wells*.

Other Considerations:

- There may be additional issues relating to blasting activities that the town, through its Fire Marshal, may need to address by the pre-blast survey. Such issues may include the potential for structural damage to neighboring properties due to air blasts and vibrations, and/or noise and dust control. Additionally, if municipal officials receive complaints regarding fugitive dust emissions due to the blasting and/or earth removal activities, DEEP's Bureau of Air Management (860-424-3436) can be contacted for guidance and possible follow-up inspection.
- The municipality may want to consider having large-scale developments, where significant site work including blasting is planned, be evaluated by the Connecticut Environmental Review Team (CTERT). A request for an ERT review must come from the municipality's chief elected official or the chairperson of one of the town's land-use or economic development commissions. Information regarding the CTERT and applying for an ERT review can be found at www.ctert.org or by calling 860-345-3977.
- Activities with proposed soil disturbances of one (1) acre or more that have not obtained local approval involving an erosion and sediment control review must register for the DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. The Applicant can obtain information regarding the general permit at www.ct.gov/deep/stormwater.

Sec. 20-300b-20. Signing and Sealing

(a) The signature and embossed seal of the surveyor shall be placed in accordance with Section 20-300-10 of The Regulations of Connecticut State Agencies.

(b) Maps and plans shall include the statement: "To my knowledge and belief this map is substantially correct as noted hereon" above the signature and the printed name and license number of the surveyor below the signature.

(Adopted effective June 21, 1996)