

DAVID A BALL

Please Reply To Bridgeport  
E-Mail: dball@cohenandwolf.com

April 3, 2023

**Via e-mail and hand-delivery**

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

**Re: Docket No. 510 - Tarpon Towers II, LLC and New Cingular Wireless PCS, LLC  
Application for a Certificate of Environmental Compatibility and Public Need for the  
construction, maintenance, and operation of a telecommunications facility located at  
92 Greens Farms Road, Westport, Connecticut – Responses to Connecticut Siting  
Council D&M Plan Interrogatories dated March 20, 2023**

Dear Attorney Bachman:

I've enclosed an original and fifteen (15) copies of Tarpon Towers II, LLC's Responses to Connecticut Siting Council D&M Plan Interrogatories dated March 20, 2023.

Thank you.

Very truly yours,



David A. Ball

Enclosures

cc: Service List

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

IN RE:

NEW CINGULAR WIRELESS PCS, LLC  
D/B/A AT&T AND TARPON TOWERS II,  
LLC APPLICATION FOR A CERTIFICATE  
OF ENVIRONMENTAL COMPATIBILITY  
AND PUBLIC NEED FOR THE  
CONSTRUCTION, MAINTENANCE AND  
OPERATION OF A  
TELECOMMUNICATIONS FACILITY  
LOCATED AT 92 GREENS FARMS ROAD,  
WESTPORT, CONNECTICUT

DOCKET NO. 510

APRIL 3, 2023

**TARPON TOWERS II, LLC'S RESPONSES TO CONNECTICUT  
SITING COUNCIL D&M PLAN INTERROGATORIES DATED MARCH 20, 2023**

1. Page 2 of the geotechnical report indicates the presence of hard bedrock at 4.5 feet below grade at the site and suggests use of a mat foundation; however, the D&M Plan contains specifications for both a mat foundation and a cassion foundation. What type of foundation would be installed? How will ledge be removed to install the foundation?

**Response:**

**The type of foundation will be a mat foundation. The ledge will be removed to the required depth by a hydraulic rock hammer.**

2. What is the total area for the construction limits of disturbance (LOD)?

**Response:**

**The limits of disturbance for this project will be about 9250 square feet.**

3. Referencing Sheet C-101, provide the following information regarding the proposed drainage swale;

a) Is there an outlet for stormwater runoff? If yes, where is the outlet?

**Response:**

**There is no outlet for this swale because the swale will only capture limited runoff from the proposed gravel access drive. The southerly portion of the swale is designed to allow for water to sheet flow into the wooded area south of the facility.**

b) Provide the distance of the swale from wetland 2.

**Response:**

**±60'.**

c) Would subsurface ledge beneath the swale interfere with stormwater infiltration?

**Response:**

**No.**

d) The initial site plan in the application did not include a swale. Why was the design revised to include one?

**Response:**

**As the Connecticut Siting Council directed in Paragraph 2(c) of the Decision and Order dated January 6, 2023, the Applicants reconfigured the vehicle turnaround area to increase the buffer distance and disturbance to Wetland 2. During this revision process and based on prior comments from the Town during this docket, the Applicants decided to make an additional revision to add the swale to provide additional stormwater runoff control. The Applicants do not believe that the new swale is needed to adequately control stormwater runoff, but they have proposed adding it to further alleviate any concerns that the Town may have.**

e) Would installation of the swale require the removal of the 20" cherry tree?

**Response:**

**The Applicants are hopeful that they can preserve this tree. The Applicants will evaluate the tree and its root system during construction and will inform the Connecticut Siting Council if the tree needs to be removed.**

4. Provide a Petroleum Materials Storage and Spill Prevention Plan for construction activities including, but not limited to, spill cleanup procedures, and detailed contact information for the spill response contractor.

**Response:**

**See attached Petroleum Materials Storage & Spill Prevention Plan dated April 1, 2023, prepared by Environmental Services, Inc.**

RESPECTFULLY SUBMITTED,

TARPON TOWERS II, LLC,

By: 

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## CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing was sent via electronic mail on this 3<sup>rd</sup> day of April 2023, to the following:

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David A. Ball

# **PETROLEUM MATERIALS STORAGE & SPILL PREVENTION PLAN**

**Project CT1024A Westport**  
92 Greens Farms Road  
Westport, Connecticut

April 1, 2023

Prepared For:



Tarpon Towers  
8916 77<sup>th</sup> Terrace East, Suite 103  
Lakewood Ranch, Florida

Prepared By:



***Environmental Services, Inc.***

Environmental Services, Inc.  
90 Brookfield Street  
South Windsor, Connecticut

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Figure 1 Site Location

Figure 2 Site Plan

## **1.0 INTRODUCTION**

### **1.1 Purpose**

On behalf of Tarpon Towers, Environmental Services, Inc. (ESI) prepared a Petroleum Materials Storage & Spill Prevention Plan for the proposed communication tower site located at 92 Greens Farms Road in Westport, Connecticut (Project CT1024A Westport). Figure 1 depicts the tower location. The purpose of this plan is to identify potential sources of petroleum stored onsite during the construction, operation, and maintenance of the tower, as well as provide procedures for managing and handling petroleum products on the property.

### **1.2 Site Information**

The 92 Greens Farms Road parcel comprises 1.86 acres, and contains a 1,701-square-foot single family residence. The proposed communications tower will be constructed in the southwest portion of the property, on the northern side of Interstate 95. Figure 2 depicts the property layout including the location of the proposed tower.

In the area of the proposed tower, the site's topography slopes downwards towards the south in the direction of Interstate 95. According to the CTDEEP Water Quality maps, there are no named surface water bodies located on the 92 Greens Farms Road parcel. However, there is a drainage ditch and wetlands in the area immediately adjacent to the south of the property.

## **2.0 PLAN ADMINISTRATION**

### **2.1 Designated Person**

Mr. Keith Coppins is the Designated Person Accountable for petroleum spill prevention at the tower site, and has the authority to commit the necessary resources to implement this plan.

|                              |  |
|------------------------------|--|
| Property Owner:              | Pradiv Mahesh & Sharuna Moola-Mahesh   |
| Tower Owner/Operator:        | Tarpon Towers  |
| Tower Owner Mailing Address: | 8916 77 <sup>th</sup> Terrace East, Suite 103<br>Lakewood Ranch, Florida 34202 |



Tower Site Contact: Keith Coppins  
Telephone: (203) 623-3287  
Email: [KCoppins@arxwireless.com](mailto:KCoppins@arxwireless.com)  
Address: 110 Washington Avenue, Fourth Floor  
North Haven, CT 06473

## **2.2 Location of Plan**

A complete copy of this Petroleum Materials Storage & Spill Prevention Plan shall be maintained within the construction office and during the construction phase of the project. Once the cell tower facility is built, a copy (copies) of the plan shall remain within the equipment shelters for each tower lessee. The Designated Person is responsible for making sure all onsite Contractors, sub-Contractors, and employees have reviewed the plan, and are familiar with the procedures outlined in the plan.

## **2.3 Plan Review**

The Designated Person shall periodically review and evaluate this plan in regards to any changes in facility design, construction, operation or maintenance that affects the facility's potential for petroleum storage and a petroleum discharge. Such changes include:

- Changes in equipment and vehicles involving the storage or use of petroleum products;
- The addition or subtraction of containers containing petroleum products;
- The replacement, installation, or reconstruction of piping systems containing petroleum products;

Any necessary amendments to this plan must be identified and made by the Designated Person as soon as possible, but no later than one (1) month after the changes occur. The Designated Person is responsible for initiating and coordinating the required amendments and revisions to this plan. The Designated Person is also responsible for identifying a replacement or alternate person onsite in the event he leaves the project area.

### **3.0 FEDERAL & STATE SPILL REGULATIONS**

#### **3.1 Definition of a Spill**

A spill is defined as any leak, release, uncontrolled loss, seepage, filtration, or unpermitted discharge of any liquids, solids, gaseous oil, petroleum, chemical products or hazardous wastes to the environment, within or outside of the facility building, that occurs accidentally or intentionally.

#### **3.2 Overview of Federal and State Spill Regulations**

In 1972, the Clean Water Act was established to regulate discharges of pollutants into the water of the United States and established regulations regarding minimizing oil pollution and preventing spills. The Environmental Protection Agency promulgated 40 CFR Part 112, Oil Pollution Prevention Regulations that require applicable facilities that store over 1,320-gallons of oil in aboveground containers greater than or equal to 55-gallons in size, to develop and maintain a Spill Prevention Countermeasure & Control (SPCC) Plan. Construction and operation of the tower at the 92 Greens Farms property will not require an SPCC plan, due to the quantity of petroleum stored at the site.

The Connecticut General Statutes, under Chapter 446k, Section 22a-450 require that a spill be reported to the Department of Energy and Environmental Protection (CTDEEP), Emergency Response Unit via the 24-hour a day spill telephone hotline at (860) 424-3338. Spills of petroleum greater than 5-gallons require reporting. A spill of petroleum less than 5-gallons does not require reporting if the spill is cleaned up in less than 2-hours of occurring. In addition, any quantity of spilled petroleum that impacts a waterway or wetland requires reporting to the CTDEEP.

The spill report must include the location, quantity and type of material released, the date and cause of the incident, the name and address of the owner of the location of the release, and the name, address, and relationship to the owner of the person reporting the release. Additional guidelines on how to report a spill to the CTDEEP are provided in Section 5.0.

## **4.0 SPILL PREVENTION**

### **4.1 Petroleum Storage**

The Westport tower facility will not have any aboveground or underground tanks containing petroleum products. Backup generators that will be installed onsite for the facility will use natural gas as the fuel source.

During construction, gasoline and diesel-powered trucks and equipment will be onsite. Equipment will also have hydraulic systems containing hydraulic oil reservoirs. There is always a possibility of a release due to accidents, equipment failures, and refueling operations.

### **4.2 Spill Containment**

A spill containment kit with a sufficient supply of absorbent materials (pads, boom, Speedy Dry etc) must be maintained onsite in the event of a release of petroleum. The kit shall consist of the absorbent materials stored in a weathertight drum that can be ultimately used to store spent absorbent materials in the event of a release. The kit shall remain onsite both during and after construction in the event of a release. Any spent material should be properly disposed of by a licensed waste hauler (see Section 5.2.3). If absorbent material is used, it should be immediately replaced to keep the spill kit stocked.

### **4.3 Equipment & Vehicle Refueling Procedures**

Equipment and vehicles that remain onsite should only be refueled on an impervious pad with secondary containment. Fueling of onsite equipment and vehicles should be done only as necessary. If possible, any truck or equipment that is removed daily from the site should be refueled at an offsite location. Any necessary onsite fueling shall be performed at least 100 feet from the nearest property boundary, wetland, or watercourse. Fuel supply trucks and containers should not remain onsite overnight.

## **5.0 SPILL RESPONSE & REPORTING PROCEDURES**

### **5.1 Discharge Response**

Local emergency responders and on-call private spill response contractors must be notified to provide the appropriate level of response needed during an emergency spill event. As described in the previous section, the site will maintain a fully-stocked emergency spill response kit in the event of a release. Onsite personnel will be required to be familiar with these spill response procedures.

In the event of a spill, the following actions must be undertaken:

- Stop operations and shut off all equipment.
- Remove any sources of spark or flame.
- Attempt to contain the spill utilizing the emergency spill kit items if there is no immediate danger of fire, explosion, or risk of injury.
- Notify the Designated Person so he can evaluate the severity of the spill, and notify the CTDEEP, emergency responders, and other onsite personnel.
- Estimate the volume of the spill.
- Identify any pathways that could potentially impact nearby wetlands, watercourses, or offsite properties.

After the spill is contained and cleaned up, all spent materials and impacted soil/gravel shall be placed in the empty spill containment drum so it can be properly disposed of by the licensed spill response contractor (Section 5.2.3).

## 5.2 Emergency Contacts & Telephone Numbers

### 5.2.1 Tarpon Towers Contact

| Name          | Title             | Cell Phone Number |
|---------------|-------------------|-------------------|
| Keith Coppins | Designated Person | (203) 623-3287    |

### 5.2.2 Local, State & Federal Contacts

| Name  | Telephone Number  |
|---|---|
| Department of Energy & Environmental Protection<br>(CTDEEP) Emergency Response Division | (860) 424-3338 or<br>1-866-DEP-SPIL<br>(1-866-337-7745) |
| Ambulance (local)   | 911   |
| Fire (local)  | 911   |

### 5.2.3 Licensed Spill Response Contractor

| Name   | Telephone Number             |
|--|------------------------------|
| Environmental Services, Inc.<br>90 Brookfield Street<br>South Windsor, Connecticut | 860-528-9500<br>800-486-7745 |

## 5.3 Discharge Notification

### 5.3.1 CTDEEP Reporting

The Connecticut General Statutes Chapter 446k, Section 22a-450 dictate that the operator/master of any boat, the person in charge of any terminal that loads oil, petroleum, or chemical liquids or solid, liquid or gaseous products, or hazardous wastes, the person in charge of any establishment, or the operator of any vehicle or other machine must immediately report by telephone a discharge, spill, uncontrolled loss, seepage, or filtration of oil, petroleum or chemical solids or liquid, gaseous products, or hazardous waste to the CTDEEP Emergency Response Unit.

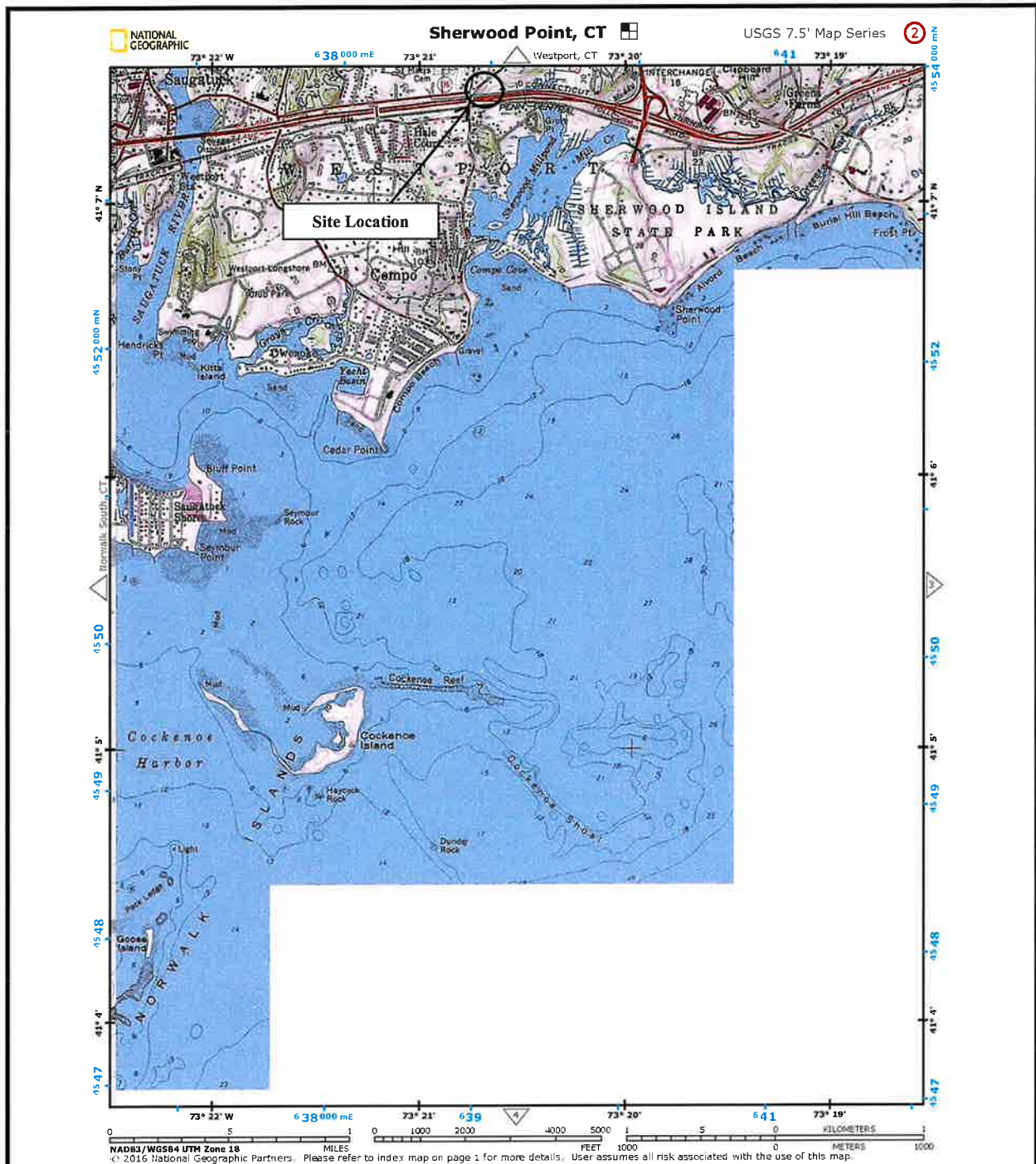
If a spill of petroleum less than 5-gallons is immediately cleaned up/mitigated/removed within 2 hours of the release, the spill does not require reporting to the CTDEEP.

If a petroleum release of any size impacts water, or exceeds 5-gallons then it must be reported to the CTDEEP. The report would include the following details regarding the release:

- Location of the spill and name of the facility
- Estimated quantity and type of substance released
- The date and cause of the incident
- Name and address of the owner of the property and/or container that has resulted in the spill
- Name and address of the person making the report and their relationship to the owner

Unless specifically requested, the CTDEEP does not require a written report when reporting a spill.





**Figure 1 – Site Location**  
**Project CT1024A Westport**  
**92 Greens Farms Road - Westport, Connecticut**



