

CONNECTICUT SITING COUNCIL

IN RE:

THE UNITED ILLUMINATING COMPANY (UI) :
APPLICATION FOR A CERTIFICATE OF :
ENVIRONMENTAL COMPATIBILITY AND PUBLIC : DOCKET NO. 516
NEED FOR THE FAIRFIELD TO CONGRESS :
RAILROAD TRANSMISSION LINE 115-KV :
REBUILD PROJECT THAT CONSISTS OF THE :
RELOCATION AND REBUILD OF ITS EXISTING :
115-KILOVOLT (KV) ELECTRIC TRANSMISSION :
LINES FROM THE RAILROAD CATENARY :
STRUCTURES TO NEW STEEL MONOPOLE :
STRUCTURES AND RELATED MODIFICATIONS :
ALONG APPROXIMATELY 7.3 MILES OF THE :
CONNECTICUT DEPARTMENT OF :
TRANSPORTATION'S METRO-NORTH RAILROAD :
CORRIDOR BETWEEN STRUCTURE B648S :
LOCATED EAST OF SASCO CREEK IN FAIRFIELD :
AND UI'S CONGRESS STREET SUBSTATION IN :
BRIDGEPORT, AND THE REBUILD OF TWO :
EXISTING 115-KV TRANSMISSION LINES ALONG :
0.23 MILES OF EXISTING UI RIGHT-OF-WAY TO :
FACILITATE INTERCONNECTION OF THE :
REBUILT 115-KV ELECTRIC TRANSMISSION :
LINES AT UI'S EXISTING ASH CREEK, RESCO, :
PEQUONNOCK AND CONGRESS STREET :
SUBSTATIONS TRAVERSING THE :
MUNICIPALITIES OF BRIDGEPORT AND : NOVEMBER 2, 2023
FAIRFIELD, CONNECTICUT :

PRE-FILED TESTIMONY OF MATTHEW SCHWEISBERG

Q. Please state your name, profession and position with your employer.

A. Matthew Schweisberg, Senior Professional Wetland Scientist and

Principal Wetland Strategies and Solutions, LLC

Q. What services does Wetland Strategies and Solutions, LLC provide?

A. Wetland Strategies and Solutions, LLC provides policy, regulatory and technical advice and assistance to clients seeking to navigate regulatory and non-regulatory issues related to wetlands and aquatic resources.

Q. What is your professional background?

A. I am the principal of Wetland Strategies and Solutions, LLC. I am a retired federal wetlands ecologist and wildlife biologist with over four decades of experience with the Clean Water Act, National Environmental Policy Act (NEPA) reviews and ecological impacts assessments. I spent nearly thirty-three years with the U.S. Environmental Protection Agency (EPA) in both Washington D.C. and Boston, Massachusetts. I served concurrently as Chief of the EPA's New England Region's Wetlands Protection Program, as Senior Mediator with the Region's Alternative Dispute Resolution Program, and as the Agency's representative on the International Joint Commission International St. Croix River Watershed Board. I also served as the New England Region's Wetlands Enforcement Coordinator for eleven years, its Senior Wetlands Ecologist for twenty-six years, and as a Special Assistant to the Deputy Regional Administrator for one year.

I previously co-instructed a week-long intensive course in wetland identification and delineation at the Eagle Hill Institute in Steuben, Maine. I have additionally taught courses in wetland regulation, restoration and creation, wetland and wildlife ecology, and wetland identification and delineation for, among others, the EPA, the Army Corps of Engineers, the six New England States, Northeastern University and the New England Wildflower Society.

I am a nationally recognized expert in the federal Clean Water Act's Section 404 Program, especially jurisdictional and compensatory mitigation issues. I served on national EPA work groups developing federal guidance and regulations on Clean Water Act jurisdiction, and agriculture and enforcement issues. I convened and supervised teams to prepare expert testimony for litigation for federal court cases. I also testified before federal grand juries and served several times as an expert witness on wetland regulatory and technical matters in civil litigation at both federal and state levels for cases involving residential development, agricultural conversions, oil and gas exploration and production, and Superfund remedies.

I have provided technical and scientific advice and guidance to other EPA Regions on regulatory actions and controversial projects in other parts of the country. While with EPA Headquarters, I provided oversight for controversial cases, including section 404(c) veto actions. I have extensive experience with wetland and other aquatic resource issues for major projects involving transportation, energy, agriculture, commercial and port development, residential development, recreation, and Superfund cleanup. Among others, I have managed or served as the technical expert for projects involving:

- Transportation, such as major highway extensions and large rail line extensions;
- Energy, such as wind turbine fields, oil and natural gas exploration and production (including hydraulic fracturing), ground-mounted solar panel siting, and electric and natural gas transmission lines;
- Agriculture, such as row crops, turf farms and cranberry bog conversions;
- Port development;

- Surface mining, such as gold, copper, iron;
- Shopping mall and industrial park developments;
- Residential subdivisions;
- Recreation, such as golf courses and ski area expansion; and
- Superfund remedies.

I received my degree in Wildlife Management from the University of Maine. A true and accurate copy of my current CV is attached hereto as Exhibit A.

Q. Are you affiliated with any professional or industry organization?

A. Yes. I have been a member of the New England Hydric Soils Technical Committee for twenty-five years. I currently serve on the Board of Directors for the Society of Wetland Scientists. In addition, I serve as Chair of the Ethics Committee for the Society of Wetland Scientists Professional Certification Program and as an ex-officio member of the Board of Directors for the National Association of Wetland Managers. I previously served on the Board of Directors for the Massachusetts Association of Conservation Commissions.

Q. Do you hold any certifications?

A. Yes. I am a certified Professional Wetland Scientist under the Professional Certification Program of the Society of Wetland Scientists.

Q. Have you received any awards or accolades?

A. Yes. During my federal service, I received seven EPA Bronze Medals, 11 EPA Superior Achievement Awards, 2 U.S. Department of Justice Certificates of Commendation, and 2 Army Corps of Engineers Commendations.

Q. What is your involvement with this project?

A. I was engaged by the Town of Fairfield (the “Town”) to assess the plans and reports submitted by the Petitioner, United Illuminating (“UI”), in connection with UI’s application for a Certificate of Environmental Compatibility and Public Need for its Fairfield to Congress Railroad Transmission Line 115-kV Rebuild Project. I did a technical review of UI’s Ecological Assessment Report. That technical review is attached hereto as Exhibit B.

Q. What is the purpose of your testimony?

A. This testimony describes my findings and opinions with respect to UI’s submissions to the Siting Council.

Q. Did you prepare a report for this matter?

A. Yes, I prepared a technical review of the application, which is entitled “A Report for the Town of Fairfield, CT United Illuminating (UI) Company – Fairfield to Congress Railroad Transmission Line 115-kV Rebuild Project Anticipated Adverse Impacts to Wetlands and other Waters,” dated October 31, 2023, a true and accurate copy of which is attached hereto as Exhibit B.

Q. What work did you perform to prepare your Report?

A. I reviewed the application submitted by UI along with documents which the Siting Council has made publicly available on its website with a particular focus on and attention to the potential adverse impacts the application may have on wetlands, other waters and related issues. My review included, without limitation, the following documents:

- Ecological Assessment Report (Water / Biological Resources) by LaBella Associates dated October 2022, revised February 2023;

- Water Resources Delineation Report by BL Companies, Inc., dated September 20, 2022;
- Volumes 1 and 2 of the Application;
- Appendix E, Electric and Magnetic Field Report, Prepared by Exponent, dated February 22, 2023;
- City of Bridgeport Inland Wetlands Soil Map;
- Town of Fairfield Inland Wetlands Soil Map;
- UI's Project Page; and
- Comments by the Council on Environmental Quality, dated May 25, 2023.

I also performed a visual inspection of the proposed project corridor on October 18 and 19, 2023. During that inspection, I visited the following proposed pole locations:

- P654S;
- P655S;
- P671S;
- P673S;
- P675S;
- P676S;
- P699S;
- P700S;
- P704S;
- P706S;
- P713ES;
- P714WS;

- P713ES-1; and
- P714WS-1.

Q. Will you please summarize your findings regarding the impact of UI's proposed transmission project on the wetlands and watercourses in Fairfield, Connecticut?

A. Yes. First, while the proposed project corridor is extensively developed there is nevertheless the presence of wetlands and watercourses that will be adversely affected by the project. UI is proposing to install 102 new monopoles at various locations throughout the Town of Fairfield. The following poles will be located in, adjacent to or very near existing wetlands and watercourses: 654S, 652S, 663S, 671S, 699S, 700S, 704S, 706S, 713S, 713ES, 713ES-1, 713ES-2, 714WS, 714WS-1, 714WS-2, 714WS-3, 716S and, 779S. The construction and maintenance of these poles will likely have an adverse effect on the nearby stream and wetland environments, ecology, and species such as mallard, teal, heron, and egret that use these habitats for nesting, resting, feeding, and rearing young. Lighting and construction noise would likely disturb many of these species, especially their young.

Second, UI is also proposing to place poles (P671S, P673S) near locations that likely contain contaminated soils. UI, however, has failed to provide the distance between the proposed poles and the contaminated locations, though it appears that in some instances the distance is less than 50 to 100 feet between the pole and the contaminated property. UI is proposing to install drilled pier foundations that are expected to range from 14 to 40 feet in depth but may be as deep as 90 feet. Given the historic industrial activity and railroad operation in the project corridor and close

proximity to known contaminated sites, it would be reasonable for one to expect that the proposed monopole locations will contain contaminated soils themselves and therefore it is more likely than not that excavated soils for the project will be contaminated. While UI mentions in its application that numerous borings were performed to test soils, no locations of those borings, nor the results were provided. In fact, during my inspection, I observed no physical evidence that any boring tests or any ground disturbance of any kind had occurred at the locations I visited and inspected. In my experience, one would expect that this pertinent boring data would have been included in the application. As a result, it is impossible to determine whether the project will involve the excavation and migration of contamination remains, and to what extent. Without said results, it is impossible to determine the extent of what mitigation efforts (and costs) UI will have to undertake and incur to complete the project.

Finally, construction activities for ~~on~~ the project, which is generally scheduled to be at nighttime, will have an adverse effect on native bats (e.g., little brown) because of the presence of nighttime lighting and construction noise that would otherwise not be occurring.

Q. Are there project alternatives or mitigation measures that would mitigate the adverse environmental and ecological impacts of UI's proposed project?

A. Yes, rebuilding the transmission line on the existing railroad catenary structures would eliminate the need to dig new foundations near existing wetlands and watercourses, some of which are likely contain contaminated soils. This alternative would also minimize disturbance to the native bird population and aquatic life that uses the existing wetlands and watercourses.

Although UI would likely assert that the cost would be prohibitive, putting the project completely underground would eliminate most of the adverse impacts listed above.

Q. Does this conclude your testimony?

A. Yes. However, I reserve my right to submit supplemental pre-filed testimony, as necessary, to address new information or any late-filed exhibits produced or disclosed by UI after November 2, 2023.

EXHIBIT A

Matthew Schweisberg
Senior Professional Wetland Scientist, #723



<http://www.linkedin.com/pub/matt-schweisberg/39/912/2b/>

EXPERTISE

- The Clean Water Act (CWA) Section 404 Program, especially CWA jurisdictional determinations, permitting regulations (§404(b)(1) Guidelines), controversial permit cases, and enforcement issues.
 - At federal and state levels: coastal and inland wetland, stream, aquatic resource –
 - identification and delineation;
 - ecological function and condition assessment;
 - compensatory mitigation; and,
 - restoration, enhancement, and creation.
 - Testimony: Federal grand jury, expert witness, expert witness team supervision on wetland regulatory, science, and technical matters for federal, state, and private civil litigation involving energy exploration, production and transmission; residential development; agricultural conversions; and Superfund remedies.
 - Policy, regulatory and technical advice and assistance for clients seeking to navigate regulatory issues related to coastal and inland wetlands and other aquatic resources at federal, state, and local levels.
 - Instructor for courses in wetland regulation, restoration and creation, wetland ecology, and wetland identification and delineation for federal agencies, New England states, NGOs, and at the university level.
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WORK EXPERIENCE - *Current*

Principal, Wetland Strategies and Solutions, LLC
Merrimac, MA (<https://wetlandsns.com>)

2012 to present

WSS provides scientific expertise, unsurpassed regulatory knowledge, and exceptional negotiation skills for clients to avoid or minimize delays, meet critical interests, and achieve project objectives. WSS provides key insight to develop practical strategies and achieve sensible solutions for timely, cost-effective, and environmentally sensitive results. WSS employs a technical approach that is always based upon landscape and watershed considerations to ensure that wetlands, streams, and other aquatic resources, including the fish and wildlife that depend on those resources, are viewed in their proper ecological context. WSS supports your interactions with regulators at the federal, state, and local levels to ensure that science, regulation, policy and decision-making are integrated appropriately.

Matthew Schweisberg
Senior Professional Wetland Scientist, #723

Associate, Burnside Environmental Group, LLC 2013 to present
Boston, Massachusetts (<https://burnsidegroup.com>)

Burnside Environmental Group works on behalf of clients throughout the United States to provide specialized litigation support services and develop legal strategies for civil or criminal environmental enforcement actions.

Chair, Ethics Committee, Society of Wetland Scientists-Professional Certification Program
Hoffman Estates, IL (<https://www.wetlandcert.org>) (volunteer) 2016 to present

WORK EXPERIENCE - *Past*

Member, Board of Directors 2014 to 2020
Massachusetts Association of Conservation Commissions
Belmont, MA (www.maccweb.org)

The MACC provides policy, technical, and educational assistance to the municipal Conservation Commissions of Massachusetts' 351 towns and cities.

Instructor
Eagle Hill Institute, Steuben, ME (www.eaglehill.us) 2014 to 2020

Co-instructor for a five-day, intensive course in wetland identification and delineation, and wetland ecology

Chief, Wetlands Protection Program 2004 to 2012
Senior Mediator, Alternative Dispute Resolution Program
U.S. EPA, New England Region, Boston, MA

As Chief of the Wetlands Protection Program, managed all aspects of the Region's Wetlands Protection Program, including controversial policy and technical matters, major project review, impact analysis, represented the Region in all matters related to the CWA Wetlands (section 404) Program.

As Senior Mediator for the Region's Alternative Dispute Resolution Program, mediated and facilitated multi-party environmental and public policy disputes.

Member, International St. Croix River Watershed Board 2009 to 2012
International Joint Commission
Washington, D.C.

Matthew Schweisberg
Senior Professional Wetland Scientist, #723

As a U.S. Member on the International Joint Commission's International St. Croix River Watershed Board, represented the U.S. Government's interests on the Board that manages this international waterway.

Senior Wetland Ecologist and Enforcement Coordinator 1985 to 2012
U.S. EPA, New England Region, Boston, MA

- Major project review and impact analysis, including team leader for controversial project management
- Technical, policy and regulatory training for internal/external parties
- Ecological assessment of non-wetland ecosystems/habitat
- Special policy-related projects and issues (e.g., Superfund, agriculture industries)
- Design, review, and monitoring of coastal / inland wetland, stream, other aquatic resource restoration and creation projects; identification and boundary determination of wetlands and other waters for Clean Water Act jurisdiction; and assessment of wetland and stream ecological functions
- Planned/managed/implemented all aspects of Region's wetlands enforcement program, including long-term direction/targeting
- Managed enforcement staff and coordinated contractor support staff; oversight of all enforcement cases
- Developed and implemented outreach/education efforts for regulated public, local, state, and federal officials

Secretary-General 2000 to 2004
Society of Wetland Scientists Board of Directors (www.sws.org)

Served as Secretary-General for the Board of Directors, managing membership policies, society by-laws, and annual elections of officers.

Adjunct Professor 1990 to 1992
Northeastern University Environmental and Regulatory Management Program, Boston, MA

Taught courses in wetland/stream/aquatic resource identification and delineation, ecology, and restoration.

Instructor 1989 to 1992
New England Wild Flower Society, Framingham, MA

Taught coastal / inland wetland/stream/aquatic resource restoration and creation; wetland identification and delineation; and wetland/stream/vernal pool ecology.

PROJECT EXPERIENCE

Management/coordination of projects involving wetland, stream, and other aquatic resource issues (e.g., impact assessment, restoration/creation) involving transportation, energy, agriculture, commercial and port development, and Superfund cleanup. Among others, managed and/or served as the technical expert for projects involving:

- Transportation, such as major highway and large rail line extensions;
- Energy, such as wind turbine fields, oil and natural gas exploration and production, and natural gas and electrical transmission lines;
- Agriculture conversion, such as turf farms, rice culture, and cranberry bogs;
- Surface mining (precious metals and related compounds)
- Marine cargo port construction and marina development;
- Residential subdivision development;
- Resort development/expansion, such as ski and golf resorts;
- Shopping mall and industrial and commercial business park development; and,
- Superfund site remedies.

Federal team leader for review of projects involving numerous federal statutes, including,

- National Environmental Policy Act;
- Rivers and Harbors Act;
- Endangered Species Act;
- Magnuson-Stevens Essential Fish Habitat requirements;
- USDA Food Security Act - Swampbuster program;
- Federal Energy Regulatory Commission-Dam/Hydropower licensing program;
- Marine Protection, Research, and Sanctuaries Act;
- Water Quality Standards program;
- National Pollutant Discharge Elimination System program; and
- Massachusetts Wetland Protection Act, and other state wetlands and water quality protection programs.

CERTIFICATIONS and AWARDS

Senior Professional Wetland Scientist (PWS) Certification #723,
Society of Wetland Scientists Professional Certification Program
U.S. EPA: 7 Bronze Medals, 11 Superior Achievement Awards
U.S. Department of Justice: 2 Certificates of Commendation
U.S. Army Corps of Engineers, New England District: 2 Special
Commendations

Matthew Schweisberg
Senior Professional Wetland Scientist, #723

AFFILIATIONS (professional)

Society of Wetland Scientists (Board member)
National Association of Wetland Managers (Board member)
Association of Massachusetts Wetland Scientists
Society of Soil Scientists of Southern New England
New England Hydric Soils Technical Committee (charter member)

EDUCATION

B.S., Wildlife Management, University of Maine

PUBLICATIONS

Wetland Impacts and Hydrologic considerations at the Charles George Land Reclamation Trust

Landfill, (coauthor), proceedings from the American Geophysical Union Annual Meeting, 1987, Baltimore, Maryland

Creation and Restoration of Wetlands and the Section 404 Program: Critical Regulatory Issues, proceedings from the Association of State Wetland Managers Northeast Meeting on River Corridor/Wetlands Protection, 1987, Silver Bay, New York

Wetlands: A Regulatory Overview, proceedings from the New England Environmental Exposition, 1989, Boston, Massachusetts

Wildlife and Waterfowl Impoundments: Navigating the Clean Water Act Section 404 Permit Process, proceedings from the Northeast Fish and Wildlife Conference, 1991, Portland, Maine

Wetlands Delineation: Where Do We Draw the Line, proceedings from the New England Environmental Exposition, 1993, Boston, Massachusetts

Jacks, Joshua; Schweisberg, Matthew; Thompson, Douglas; Tonkin, Elissa. 2010. Exit Strategies: Typology and Tips, in New York Dispute Resolution Lawyer, New York State Bar Association. Vol. 3 (1). Albany, NY

EXPERT TESTIMONY

- for EPA in U.S. v. Ottati and Goss, 1987 (re: wetland evaluation/assessment issues and remedies at Ottati and Goss Superfund site)
- for Massachusetts Department of Environmental Protection in Adjudicatory Hearing in Dantuc Realty Trust (Robyn Estates) v. MADEP, 1988 (re: condition of existing wetland and assessment of its functions and values)
- for Massachusetts Department of Environmental Protection in Adjudicatory Proceeding in MADEP v. Arthur Hoeg et al., 1993, (re: condition and extent of existing and previous wetland, and assessment of its functions and values)
- for EPA in U.S. v. Cumberland Farms, Inc., et al, 1996 (re: wetland delineation, evaluation, assessment issues and remedies)
- for EPA in U.S. v. Charles Johnson et al., 2003 and 2011 (re: wetland delineation, evaluation, assessment issues and remedies)
- for plaintiffs in Sarpy et al. v. ExxonMobil, Extex, and Meridian Corps., 2013 - 2014 (re: ecological harm from legacy oil and gas exploration and production, and wetland restoration)
- on behalf of the Clean Water Fund re the Tennessee Gas Pipeline Company's proposed Connecticut Expansion Project, Massachusetts, 2016 (MA OADR Docket No. 2016-020) (re: ecological harm and alternatives)
- for plaintiff in D&D Cajun Ventures LLC et al. v. Atlantic Richfield Company et al., Louisiana, 2016 (re: ecological harm from legacy oil and gas exploration and production, and wetland restoration)
- for plaintiff in Iberville Parish School Board and the State of Louisiana v. BP America Production Company et al., Louisiana, 2016 (re: ecological harm from legacy oil and gas exploration and production, and wetland restoration)
- on behalf of the Wild Salmon Center, Report on the Proposed Pebble Mine Project, Alaska, 2020 (re: adverse impacts to wetlands, streams, and wildlife resources)
- on behalf of the Sierra Club, Maine Chapter, re New England Clean Energy Connect Project, Maine, comments to the U.S. Army Corps of Engineers, 2020 (Public Notice NAE-2017-01342) (re: alternatives, adverse impacts, regulatory compliance)
- for Plaintiff in Oak Ridge Realty Trust IX, and Windsock Trust Company, LLC, Trustee, v. Town of Lincoln, MA, Conservation Commission, and Jonathan and Holly Hedlund, 2021
- for Plaintiffs in Baker et al. v. Mortgage of America Lenders & Towneclub Construction, Saint Simons Island, GA. 2021
- for Plaintiffs in Baker et al. v. Olde Plantation Group, LLC, Saint Simons Island, GA. 2021
- on behalf of the Fond du Lac Band of Lake Superior Chippewa's Clean Water Act Section 401(a)(2) "Will Affect" Analysis for the PolyMet Mining, Inc.'s NorthMet Mine Project, in cooperation with Dr. Brian Branfireun, Dr. Elsie Sunderland, Great Lakes Indian Fish and Wildlife Commission, and the Fond du Lac Environmental Program, 2021

EXHIBIT B

**A Report for the Town of Fairfield, CT
United Illuminating (UI) Company — Fairfield to Congress Railroad
Transmission Line 115-kV Rebuild Project
Anticipated Adverse Impacts to Wetlands and other Waters**

**By Matthew Schweisberg, SPWS, Principal
Wetland Strategies and Solutions, LLC**

This report describes the adverse environmental impacts to wetlands and other waters that would occur from the proposed project.

Overall, UI's preferred project would cause substantial adverse impacts to wetlands and other water resources in the railroad corridor, and in some respects beyond the corridor. See https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-516

1. Site Setting and Ecology¹

The proposed project would be situated along approximately 7.3 miles of the existing 115-kilovolt overhead transmission lines that presently are aligned within the Connecticut Department of Transportation's ("CT DOT") Metro-North Railroad corridor in Fairfield and Bridgeport, between Catenary Structure B648S (located just east of Sasco Creek) and UI's Congress Street Substation (located in Bridgeport), as well as two 115-kV transmission lines located within UI's 0.23-mile existing right-of-way that extends from the CT DOT corridor in Fairfield to UI's Ash Creek Substation in Bridgeport.

This corridor is substantially disturbed from decades of use by the railroad, by industrial activities, and by the construction and presence of Interstate 95. Yet, there remain some fairly intact wetlands and water resource areas, principally Sasco Creek, Mill River, Ash Creek, and the Pequonnock River. In particular, the CT Audubon Birdcraft Sanctuary is situated just south of I-95, just north of the Railroad corridor, and approximately a mile from the shoreline of Long Island Sound.

2. Wetlands and Ecological Functions

There are fairly extensive wetlands to the west along Pine Creek and the Mill River, and to the east along Ash Creek. The lower sections of these watercourses are tidally influenced. Among other ecological functions, these wetlands are important as fish and wildlife habitat, for flood water storage, as shoreline anchoring, and for nutrient production and export to Long Island Sound (important for fisheries).

3. Adverse Impacts

¹ For a more complete description of the environmental setting and aquatic resources within the corridor, see Section 3.1 of the March 2023 Ecological Assessment Report by LaBella Associates, D.P.C.

This proposed project could result in spreading contaminated soil to currently uncontaminated areas. In particular, excavating holes 14 to 40 feet deep in areas adjacent to the former Exide property could still contain contamination. Excavating such soils would expose them to air and result in fugitive dust transport. Exposing such soils to rainfall would likely result in erosion and transport to wetlands and watercourses, such as Mill River. In either event, fish and wildlife, as well as humans could be exposed. To minimize that possibility, creative construction techniques would have to be employed, e.g., no excavation on windy days, covering excavated soil piles, etc.

Working at night would have to employ lights and noise and could cause problems for migrating birds and for bats.