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October 13, 2023

VIA ELECTRONIC MAIL

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

Re: DOCKET 516 - THE UNITED ILLUMINATING COMPANY (UI) APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE FAIRFIELD TO CONGRESS RAILROAD TRANSMISSION LINE 115-KV REBUILD PROJECT, ET AL

Dear Ms. Bachman:

I am writing on behalf of my client, Superior Plating Company (“Superior”) in connection with the above-referenced Petition. With this letter, I am enclosing an electronic copy of Superior’s Application to Intervene Under CEPA § 4-177a and § 16-50n. An original and fifteen hard copies of this Application will follow via U.S. Mail.

Should you have any questions concerning this submittal, please contact me at your convenience.

Sincerely,

Lee D. Hoffman
Enclosure

CONNECTICUT SITING COUNCIL

THE UNITED ILLUMINATING COMPANY : CONNECTICUT SITING COUNCIL
(UI) APPLICATION FOR A CERTIFICATE : DOCKET NO. 516
OF ENVIRONMENTAL COMPATIBILITY :
AND PUBLIC NEED FOR THE FAIRFIELD :
TO CONGRESS RAILROAD :
TRANSMISSION LINE 115-KV REBUILD :
PROJECT THAT CONSISTS OF THE :
RELOCATION AND REBUILD OF ITS : OCTOBER 13, 2023
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 MILE 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 :
FAIRFIELD, CONNECTICUT.

APPLICATION TO INTERVENE UNDER CEPA, § 4-177a AND § 16-50n

I. INTRODUCTION

Superior Plating Company. (“Superior”) hereby moves and petitions the Connecticut Siting Council to become a party intervenor in the above application (“Application”) by The United Illuminating Company (“UI”), for a Certificate of Environmental Compatibility and Public Need for the Fairfield to Congress Railroad Transmission Line 115-kV Rebuild Project (“Project”).

Superior seeks to participate in these proceedings to prevent an unreasonable impact to its property interests and to the natural resources of the State including wetlands and water resources. Superior also wishes to participate to ensure that evidence of alternative location(s), configurations and/or technology are appropriately considered by the Council.

Pursuant to Conn. Gen. Stat. § 22a-19 (“CEPA”), §16-50n and §4-177a, Superior is an entity with a direct interest in the proceedings which will be specifically and substantially affected as it is the owner of a certain parcel of land located at 2500 Post Road, Fairfield, CT (“Superior Property”) that will be subject to a permanent right of way for the Project that spans across a substantial portion of the Superior Property.

Further, Superior is a party to and has a leasehold interest, pursuant to Lease Agreement No. 5.09-01(96)¹ (“Lease”), in the parcel that is immediately north of the Superior Property (“Leasehold Property” and together with the Fee Property, “Properties”), which is used in accordance with Superior’s rights under the Lease for parking and ingress/egress to its loading docks on the east side of the Superior Property. Such access is an integral part of Superior’s business operations and is the only means of access for trucks to use Superior’s primary loading dock.

The proposed Project consists of an extensive electric transmission line relocation and rebuild. Superior therefore seeks party status in the above proceedings for the purpose of conducting cross examination and submitting testimony, briefs and other evidence relevant to the consideration of the Application, specifically the mitigation of environmental impact to inland wetlands and water resources and protected Federal and State-protected species by the use of alternate locations, alternative technology and substation configurations.

¹ As amended Rail File No. (50) 7001-Misc-141, dated January 24, 1997 and recorded on the Fairfield Land Records in Volume 1687 on Page No. 28.

II. SUBSTANTIAL INTEREST

Superior's participation will be in the interests of justice because the Project will be built across the Superior Property and may also impact the Leasehold Property. Superior is concerned with the potential location of transmission equipment, including transmission lines and a utility pole², along the northern portion of the Superior Property and any impact to its trucking operations on the Leasehold Property. The information provided to date in Docket No. 516 does not allow Superior to fully understand and examine the location of the Project in relation to the Properties and the Project's impacts on Superior. For example, the information thus far provided does not fully explain how close the transmission lines would be to the top of the building on the Superior Property. As a result, it is not clear whether the distance between such transmission lines and the building would meet applicable electrical and safety standards. Further, it is unclear whether UI has adequately considered Superior's rights to use its rooftop for any use or operation of future solar photovoltaic panels.

Perhaps even more importantly, Superior is currently subject to an administrative consent order with the Connecticut Department of Energy and Environmental Protection related to the treatment of contaminated groundwater. As part of this consent order, Superior is required to operate a "pump and treat" system to address the groundwater, and elements of the Project appear to be located exceedingly close to that system. If the Project adversely affects that system, either during the Project's construction or after the Project is constructed, there will be substantial impacts to the waters of the state as contaminated groundwater will no longer be remediated. It is also unclear as to whether such adverse impacts will allow Superior to continue its operations at this location. These issues need to be addressed by UI so that UI can demonstrate that its project will not adversely impact Superior or the waters of the state.

² As shown on the Application Municipal Consult Filing Volume 2 Sheet 5 of 29

Superior's participation is also proper under CEPA in that the evidence and testimony to be given will tend to show that the proposed Project is likely to unreasonably harm the public trust in the air, water or other natural resources of the State of Connecticut and, if granted, the Project will or is likely to impair adjacent inland wetlands and watercourses³ in and about the Post Road neighborhood vicinity; and is reasonably likely to cause wetland deterioration that is unreasonable because at least one feasible alternative solution of lesser impact exists. Additionally, the Project may unreasonably impact several State and Federally listed protected species⁴.

In support of this motion, Superior states the following:

1. Superior is a Connecticut corporation which operates its business in and about the Project area, with its name and address as follows:

The Superior Plating Company
2 Lacey Place,
Southport, CT 06890
2. Superior is concerned with the potential location of transmission equipment including transmission lines and a utility pole⁵, along the northern portion of the Superior Property and any impact of its trucking operations on the Leasehold Property.
3. Superior is concerned that the proposed Project is likely to unreasonably harm the public trust in the air, water or other natural resources of the State of Connecticut. As such, Superior seeks to present evidence and testimony that demonstrate that the environmental impact of the Project could be reasonably mitigated by the use of alternative locations or technologies.

³ The Application, Volume 1, Section 3.6 discusses impacts of the Project on wetland areas, including impacts on 14 watercourses and 10 wetlands. *See also*, Section 5.2 "Water Resources and Water Quality"

⁴ *See*, Application, Volume 1, Section 5.3.5

⁵ As shown on the Application Municipal Consult Filing Volume 2 Sheet 5 of 29

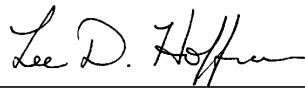
III. LEGAL BASIS FOR INTERVENTION

An application for intervention need only allege a colorable claim pursuant to CEPA. *Finley v. Town of Orange*, 289 Conn. 12, 35 (2008), citing *Windels v. Environmental Protection Commission*, 284 Conn. 268 (2007). CEPA clearly and in the broadest terms indicates that any legal entity may intervene, and such intervention is a “matter of right” once a verified pleading is filed complying with the statute “whether or not those allegations ultimately prove to be unfounded.” *Avalon Bay Communities v. Zoning Commission*, 87 Conn. App. 537, 543-545 (2005).

Superior is entitled to participate as a § 22a-19 intervenor which allows for a right of appeal under that statute. Superior’s application for intervenor status should be granted so that it may participate by presenting evidence for the record and meaningfully assist the Siting Council in reaching a decision which minimizes impact to natural resources of the state while expanding electrical transmission infrastructure.

Wherefore, Superior respectfully requests that the Council grants its request for intervention and to place Superior’s undersigned counsel on the service list for this Docket.

THE SUPERIOR PLATING COMPANY



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Its Attorneys

VERIFICATION

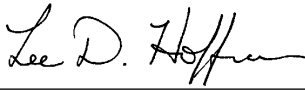
I, Hangyan Luo, being the Secretary of The Superior Plating Company, being duly sworn, hereby verify on behalf of said entity, The Superior Plating Company, that the above application is true and accurate to the best of my knowledge and belief on this 13th day of October, 2023.

SUPERIOR PLATING COMPANY


By: Hangyan Luo
Its Secretary

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was electronically mailed and/or deposited in the United States mail, first-class, postage pre-paid this 13th day of October, 2023 to the individuals on the Service List for this Docket, as of October 13, 2023.

A handwritten signature in cursive script that reads "Lee D. Hoffman".

Lee D. Hoffman, Esq.