STATE OF CONNECTICUT

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Daniel F. Caruso
Chairman

September 4, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **PETITION NO. 815** – Iroquois Gas Transmission System, L.P. petition for a declaratory ruling that the Connecticut Siting Council has an advisory role to the Federal Energy Regulatory Commission regarding Iroquois's 08/09 expansion project in Brookfield, Newtown, and Milford, Connecticut.

Comments have been received from the Department of Environmental Protection, dated August 27, 2007. A copy of the comments is attached for your review.

SDP/laf

Enclosure

c: Council Members

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Iroquois Gas Transmission System, L.P. Docket No. PF07-7-000

"COMMENTS"

The Connecticut Department of Environmental Protection (Department) is responding to the *Draft Environmental Resource Reports* submitted to the Federal Energy Regulatory Commission by Iroquois Gas Transmission System, L.P. (Iroquois) on July 18, 2007 for the proposed 08/09 Expansion Project. In the State of Connecticut, the project entails construction of a new compressor station in Milford, adding a compressor unit to the Brookfield Compressor Station approved as part of the MarketAccess Project and construction of 1.6 miles of pipeline looping in Newtown.

The discussion of hydrostatic testing on page 1-22 of *Environmental Resource Report 1* states that additives are not normally required, but that corrosion inhibitors, oxygen scavengers or micro-biocides may be used and that discharges would be conducted in accordance with applicable regulatory approvals and conditions. It should be noted that the *General Permit for the Discharge of Hydrostatic Pressure Testing Wastewater* (DEP-PERD-GP-011) requires that no chemicals are added to any water used for hydrostatic pressure testing or to the tanks or pipelines which are being tested in Connecticut.

In discussing the potential presence of State-listed threatened or endangered plant species, *Environmental Resource Report 3* states, on pages 3-33, 3-34 and 3-35, that no response has been received to date from the Department's Natural Diversity Data Base for the Newtown Loop Segment, Milford Compressor Station and Brookfield Compressor Station, respectively. A letter from Dawn McKay dated March 28, 2007 (enclosed) includes all known potential occurrences of listed species at the three sites. Listed species are limited to faunal species, the bald eagle and Eastern box turtle at the Newtown site and Atlantic sturgeon at the Milford site, which are correctly reported on pages 3-40 and 3-41, respectively.

Page 3-41 explains that the existing mainline pipeline right-of-way and the immediately adjacent area being considered for the Newtown loop segment is characterized by the variety of habitats utilized by the Eastern box turtle. Since construction of the pipeline loop is scheduled for the summer and fall of 2008, the Wildlife Division recommends the following mitigation measures:

- Install fencing around the work area prior to construction.
- Conduct a sweep of the work area prior to construction.

- Workers should be apprised of the possible presence of box turtles and a description of the species.
- Any box turtles that are discovered should be moved, unharmed, to an area immediately outside of the fenced or construction area in the same direction that it was walking.
- No vehicles or heavy machinery should be parked in any Eastern Box Turtle habitat.
- Work conducted in box turtle habitat during early morning and evening hours should occur with special care not to harm basking or foraging individuals.

Page 3-5 lists plans and procedures that will be utilized to minimize impacts to fisheries resources. The Inland Fisheries Division would like to emphasize that the width of work areas at the stream crossings should be minimized to the fullest extent possible. Non-invasive vegetation that is native to the immediate watersheds should be reestablished within any disturbed riparian areas.

Environmental Resource Report 2 does not assess potential impacts on water quality from stormwater runoff from the compressor station facilities. Non-structural measures to dissipate and treat runoff are strongly encouraged, including infiltration using pervious paving or sheetflow from uncurbed pavement to vegetated swales, water gardens or depression storage areas. The Department recommends a stormwater management treatment train approach. Such a system includes a series of stormwater management best management practices (BMPs) that target the anticipated pollutants of concern. For example, parking lot runoff would be expected to contain petroleum hydrocarbons, heavy metals, sediment, organic material (leaves/grass clippings) and seasonally elevated temperatures. Potential structural stormwater BMPs include, but are not limited to, catch basin inserts, gross particle separators, deep sump catch basins fitted with passive skimmers, and/or detention/retention basins having adequate pre-treatment. For larger sites, a combination of structural and non-structural BMPs are typically most effective and practical. If more than 1 acre of pavement drains to a common discharge point, a gross particle separator should also be installed. Advanced designs for gross particle separators have been developed, incorporating cyclonic or swirl technology, that the Department believes are more effective in retaining medium to coarse grained sediments as well as floatables than standard designs. It is recommended that the appropriate variety of this type of unit with a cyclonic design be installed in conjunction with each outfall, depending on the size of the drainage area. Provisions should be made for the periodic maintenance of all stormwater management infrastructure that will be required to insure continued effectiveness of these control measures. For additional guidance, consult the *Connecticut Stormwater Quality Manual*, available on-line at http://www.ct.gov/dep/cwp/view.asp?a=2721&q=325704&depNav_GID=1654. The manual provides guidance on the measures necessary to protect the waters of the state from the adverse impacts of post-construction stormwater runoff.

As noted on page 8-20 of *Environmental Resource Report 8*, the proposed Milford compressor station is within Connecticut's coastal boundary and a determination of the consistency of such action with Connecticut's approved Coastal Management Program must be made. The proper management of stormwater to mitigate potential impacts to the Housatonic River, as discussed above, will be a primary focus of the Department's review for consistency with Connecticut Coastal Management Act policies.

Page 8-18 states that public lands located within the proposed project areas are identified in Table 8.3-1 and that the proposed loop segment in Newtown is partially located within Paugussett State Forest. However, the table, which details total crossing length and acreage affected by construction, does not include an entry for this public land. Although information available to the Department through deeds is inconclusive, it appears that, for the most part, the existing pipeline is on state property, with the boundary being the southwest edge of the right-of-way. The Department recommends that signs be posted along the boundary of state property after construction.

On page 10-9, *Environmental Resource Report 10* states that "moving the Newtown loop further downstream toward Monroe, Shelton or Milford, Connecticut impacts the Long Island Sound watershed area, requiring special permitting and construction techniques, resulting in a longer schedule for approvals and increased project costs." Virtually all of Connecticut, including the Newtown site, is within the Long Island Sound watershed. More complex permitting issues and construction techniques would be required for crossing watercourses such as the Housatonic River or its more significant tributaries located in areas to the south. In any case, the fact that Iroquois owns one mile of the property along the proposed looping segment makes a compelling argument for the selected site.

Page 10-10 explains that Iroquois has determined that relocating the looping section to the opposite side of the existing mainline (to the northeast), largely on state-owned property, is impractical as opposed to the preferred alignment, largely on Iroquois-owned property (to the southwest). As noted in our scoping comments, the potential impact to Paugussett State Forest is of particular concern to the Department. The Department reiterates its support for the preferred alignment which avoids encroachment on the state forest.

In *Environmental Resource Report 9*, Table 9.1.2-1 listing the National Ambient Air Quality Standards (NAAQS) reports the 24-hour standard for fine particulate matter ($PM_{2.5}$) as 65 $\mu g/m^3$. Effective December 15, 2006, the U.S. EPA revised the NAAQS for $PM_{2.5}$, retaining the annual standard of 15 $\mu g/m^3$ and tightening the 24-hour average to 35 $\mu g/m^3$. Connecticut has monitored ambient levels of $PM_{2.5}$ considerably higher than 35 $\mu g/m^3$, which is a concern as the revised standard is set to better protect public health. While EPA has not yet fully provided implementation rules or guidance for these revised standards, the Department has developed an interim policy implementing procedures to better protect public health and to help provide for attainment of both the 1997 and 2006 revised $PM_{2.5}$ NAAQS.

The interim policy, which went into effect on August 21, 2007, describes the Department's requirements for new source review (NSR) permitting and modeling for sources of $PM_{2.5}$. In particular, for permit applications subject to this policy, a demonstration of compliance with the PM_{10} NAAQS will no longer serve as a surrogate for compliance with the $PM_{2.5}$ NAAQS. Instead, NSR permit applicants must consider $PM_{2.5}$ as a criteria pollutant and address it in preparing an application. These interim procedures will serve the policy goal of public health protection by minimizing $PM_{2.5}$ ambient air impacts from new stationary sources, particularly in Fairfield and New Haven Counties, which are designated as nonattainment for $PM_{2.5}$.

This interim policy applies immediately to applications for NSR permits or modifications for which a tentative determination has not been issued, including the applications submitted by Iroquois. These procedures will be in effect until CTDEP adopts a regulation, a State Implementation Plan revision, or a revised policy addressing the $PM_{2.5}$ NAAQS.

The Department hopes that these comments are helpful in the preparation of the Environmental Assessment. In order to facilitate the Department's review of the document, please forward three copies to the Office of Environmental Review. If there are any questions regarding these comments, please contact me at (860) 424-4111 or at david.fox@po.state.ct.us.

Sincerely,

David J. Fox

David J. Fox
Senior Environmental Analyst
Office of Environmental Review

Date: 8/27/06

cc: Rich McGuire, FERC
Kimberly Draghi, Iroquois
Robert Kaliszewski, DEP/OPPD
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