



To: Gregory Ambros, DECD
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Date: 4/18/2024

Subject: Scoping Notice for 265 South Orange Street, Parcel 1C, New Haven (Parcel #113023)

The Department of Energy and Environmental Protection (DEEP) has received the Notice of Scoping for the project sponsored by the Department of Economic and Community Development (DECD). The project consists of soil remediation and is located at 265 South Orange Street, New Haven. The City of New Haven has been awarded a Brownfield Municipal Grant to remediate impacted soils on the property in order to support the construction of a life sciences and technology office building. The remediation will consist of excavation of impacted soils and offsite disposal.

This letter was prepared in response to the scoping requirements of the [Connecticut Environmental Policy Act \(CEPA\)](#). The site-specific and general comments below are collected by the Office of Environmental Review & Strategic Initiatives (ERSI) from various environmental resource experts in several offices and divisions within DEEP.

The **Site-Specific** section below contains information on DEEP's regulatory programs that may require permits for the project or may be supplementary information needed for completing a permit application (such as with the Natural Diversity Data Base (NDDDB) Program or Fisheries Division). These comments are meant to provide a high-level analysis of the area.

The **General Information/Best Management Practices** section contains general comments regarding policies or best management practices for the various Divisions within DEEP. Comments are meant to be general and provide information to assist the scoping agency in determining the next phase of CEPA.

Site-Specific Information

Natural Diversity Data Base

Contact: Robin Blum, Wildlife Division, Robin.Blum@ct.gov.

DEEP staff reviewed NDDB mapping and found that the project site is not within an NDDB area, and have no further comments on the project.

Watershed Management

Contact: Marlene Krajewski, Water Planning and Management Division, Marlene.Krajewski@ct.gov

This project is located in a subregional basin that drains to Long Island Sound via New Haven Harbor. New Haven Harbor has been evaluated for water quality and is identified as impaired for aquatic life, recreation, and shellfish; and as a result has a pollution reduction analysis for bacteria. A report entitled [Estuary 6: New Haven](#) is available as a reference. In order to minimize water quality impacts of the redevelopment on New Haven Harbor, proper management measures for stormwater and sedimentation should be taken. DEEP is supportive of the offsite disposal of impacted soils, which would help minimize impacts to New Haven Harbor. All activities related to soil remediation should be properly managed so as to not impact water resources.

Additionally, the project is in proximity to Long Island Sound. The [Long Island Sound Study Comprehensive Management Plan](#) (which is currently being updated) promotes restoration efforts in New Haven. The plan includes the incorporation of “Low Impact Development” into highway medians, naturalization of riparian areas in urban rivers, restoration of wetlands and native habitat, and improving the quality of coastal forests.

Stormwater and Dewatering Wastewaters from Construction Activities General Permit

Contact: Bureau of Materials Management and Compliance Assurance, Permitting and Enforcement Division, 860-424-3025, DEEP.stormwaterstaff@ct.gov

The General Permit for [Stormwater and Dewatering Wastewaters from Construction Activities](#) may be applicable depending on the size of the disturbance regardless of phasing. This general permit was created to address rainfall runoff (i.e., stormwater) from sites under construction in order to reduce or eliminate the discharge of sediment from the site during construction as well as addressing discharges of other stormwater pollutants from the site long term.

The construction stormwater general permit dictates separate compliance procedures for “Locally Exempt” projects (projects primarily conducted by government authorities) and “Locally Approvable” projects (projects primarily implemented by private developers). This general permit applies to discharges of stormwater and dewatering wastewater from construction activities where the activity disturbs more than an acre. The requirements of the current general permit include registration to obtain permit coverage and development and implementation of a Stormwater Pollution Control Plan (SWPCP). The SWPCP contains requirements

for the permittee to describe and manage their construction activity, including implementing erosion and sediment control measures as well as other control measures to reduce or eliminate the potential for the discharge of stormwater runoff pollutants (suspended solids and floatables such as oil and grease, trash, etc.) both during and after construction. A goal of 80 percent removal of the annual sediment load from the stormwater discharge shall be used in designing and installing post-construction stormwater management measures. Stormwater treatment systems must be designed to comply with the post-construction stormwater management performance requirements of the permit. These include post-construction performance standards requiring retention and/or infiltration of the runoff from the Water Quality Volume (WQV) in accordance with the Stormwater Quality Manual and incorporating control measures.

Locally Approvable construction projects with a total disturbed area of one to five acres are not required to register with DEEP provided the development plan has been approved by a municipal land use agency and adheres to local erosion and sediment control land use regulations and the CT Guidelines for Soil Erosion and Sediment Control. Locally Approvable construction projects with a total disturbed area of five or more acres must submit a registration form and SWPCP to DEEP at least 60 days prior to the initiation of construction. Registrations shall include a certification by the Qualified Professional who designed the project and a certification by a Qualified Professional or regional Conservation District who reviewed the SWPCP and deemed it consistent with the requirements of the general permit. In addition to measures such as erosion and sediment controls and post-construction stormwater management, the SWPCP must include a schedule for plan implementation and routine inspections. The construction stormwater general permit registrations must be filed electronically through DEEP's [ezFile Portal](#). Additional information can be found online at: [Construction Stormwater GP](#).

General Information/ Best Management Practices

Solid Waste Disposal

Contact: Waste Engineering and Enforcement Division. [Waste Management Webpage](#)

The disposal of demolition waste should be handled in accordance with applicable solid waste statutes and regulations, information on the disposal of demolition debris is available online at [Construction and Demolition Waste](#). Land clearing debris and waste other than clean fill resulting from demolition activities is considered bulky waste, also defined in section 22a-209-1 of the Regulations of Connecticut State Agencies (RCSA). Bulky waste is classified as special waste and must be disposed of at a permitted landfill or other solid waste processing facility pursuant to section 22a-208c of the CGS and section 22a-209-2 of the RCSA. Clean fill is defined in section 22a-209-1 of the RCSA and includes only natural soil, rock, brick, ceramics, concrete, and asphalt paving fragments. Clean fill can be used on site or at

appropriate off-site locations. Clean fill does not include uncured asphalt, demolition waste containing materials other than brick or rubble, contaminated demolition wastes (e.g., contaminated with oil or lead paint), tree stumps, or any kind of contaminated soils.

Construction and demolition debris should be segregated on-site and reused or recycled to the greatest extent possible. Waste management plans for construction, renovation, or demolition projects are encouraged to help meet the State's reuse and recycling goal of 60% rate of diversion from solid waste (as of 2024). Part of this effort includes increasing the amount of construction and demolition materials recovered for reuse and recycling in Connecticut. DEEP recommends that contracts be awarded only to those companies who present a sufficiently detailed construction/demolition waste management plan for reuse/recycling. Additional information concerning construction and demolition material management and waste management plans can be found on-line at [Construction and Demolition Material Management](#) and [Construction and Demolition Waste Management Plans](#).

Special Waste

Contact: Waste Engineering & Enforcement Division. [Waste Management Webpage](#)

If asbestos containing materials (ACM) are present and abatement is required, these materials would be regulated as a "special waste" in Connecticut and may not be disposed of with regular construction and demolition waste. Instead, these materials may only be disposed of at facilities that are specifically authorized to accept ACM. Although the disposal of asbestos-containing material is typically arranged for by the licensed asbestos abatement contractor, project proponents should ensure that the contractor disposes of all such materials at properly licensed facilities. There is currently only one facility in Connecticut that is licensed to accept ACM: R.E.D. Technologies, LLC, of Portland, Connecticut. Information about this facility may be found on [DEEP's Commercial Hazardous and Connecticut-Regulated Waste web page](#). There are many more facilities that accept ACM that are located out of state. Information about such facilities may be obtained from the state environmental agencies for each state.

Demolition debris may also be contaminated with lead-based paint, chemical residues, or other materials that require special disposal. For more information on these materials and disposal, see the [DEEP's Renovation and Demolition Web Page](#).

Deconstruction, an environmentally friendly alternative to demolition, should be utilized to salvage as much of the reusable materials as possible, diverting them from the waste stream. Salvaged items typically include doors, windows, cabinets, lighting and plumbing fixtures, framing lumber, roofing materials, and flooring. Additional information concerning deconstruction can be found on-line at: [Deconstruction](#).

Thank you for the opportunity to review this project. These comments are based on the reviews provided by relevant staff and offices within DEEP during the designated comment period. They may not represent all applicable programs within DEEP. Feel free to contact me if you have any questions concerning these comments.

cc: Eric Hammerling, Office Director, DEEP/ERSI