

To: William Wallach, Department of Economic and Community Development

From: Linda Brunza- Environmental Analyst

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Date: 12/7/2022

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Subject: Riverfront Park Train and Commercial Development Project, Hartford and Windsor

Staff at the Department of Energy and Environmental Protection (DEEP) reviewed the scoping notice for the proposed cleanup and capping of former contaminated areas on multiple parcels in Windsor Meadows State Park and around Liebert Road. The project includes excavation of fill along the riverbank to create a cove as an outdoor park. The fill would be utilized to raise the elevation of the flood plain to allow for commercial development and mixed-use housing.

Remediation Division

Riverfront Recapture, Inc. (RLI) received a Municipal Brownfield Grant pursuant to CGS Section 32-763 from the Department of Economic and Community Development (DECD) for the proposed redevelopment plan for two properties. One of the properties is an approximately sixty- acre parcel located along the Connecticut River spanning the Hartford/Windsor town lines, currently owned by RLI. The other property is an approximately 12- acre portion of Windsor Meadows State Park (WMSP) located within the Town of Windsor adjacent to the RLI property. DEEP supports the redevelopment of these two properties.

The RLI property consists of approximately 60-acres across 6 smaller parcels, which include 228, 590, 600, and 610 Liebert Road in Hartford, CT and 100 and 120 Meadow Road in Windsor. The WMSP portion is an approximately 16-acre portion of the park property located at 73 Meadow Road in Windsor. This portion of the WMSP property is currently “land locked”, with no way for the public to legally access the property except from the Connecticut River. This project will create a way for the public to legally access this portion of WMP via the RLI property.

RLI enrolled their property into the Abandoned Brownfield Cleanup Program (CGS Section 32-768) on February 21, 2019 and acquired their property on September 20, 2019. RLI enrolled their property into the Voluntary Remediation Program (CGS Section 22a-133x) on June 4, 2020.

CGS Section 32-763 also requires brownfield grant recipients that are not subject to the Transfer Act (CGS Section 22a-134a) to enter a program for remediation of the property pursuant to either section 22a-133x, 22a-133y, 32-768 or 32-769 as determined by DECD. RLI’s enrollment in the voluntary remediation program (CGS Section 22a-133x) satisfies this requirement.

DEEP’s Bureau of Outdoor Recreation enrolled the WMSP property in DEEP’s Voluntary Remediation Program (CGS Section 22a-133x) on November 24, 2021.

Riverfront Recapture, Inc. (RRI) retained Fuss & O'Neill, Inc between 2018 and 2021 to conduct a Phase II/III Environmental Site Assessment (ESA) of the six RLI properties, along with a Phase II/III investigation of WMSP. The objectives of the investigation were to determine whether releases of hazardous substances or petroleum products have occurred at the identified areas of environmental concern and to obtain additional data relative to determining the extent of identified releases.

RRI submitted a Remedial Action Plan dated April 2022 for the RLI property. DEEP is currently reviewing a Request for Approval of Widespread Polluted Fill Variance, and Approval for Reuse of Soil Polluted with Substances at Concentrations Exceeding RSR Direct Exposure Criteria for the proposed RLI Park project.

For any questions concerning the project, please contact Jade Barber at Jade.Barber@ct.gov, or 860-424-3341.

Natural Diversity Database

This project is in a Natural Diversity Database Area. Staff report that an application was processed and there is an existing determination from 2021 for this project. Please contact Robin Blum for more information at Robin.Blum@ct.gov.

Fisheries Division

The Fisheries Division provided Riverfront Recapture with a written fisheries consultation on this project on 10/22/20. The information Riverfront Recapture provided at that time was much more detailed than what was provided for the scoping notice. Based on that information the Fisheries Division made the following comments and recommendations:

- All dredging should be prohibited during the spring diadromous fish migration period from April 1 to June 30, inclusive.
- Due to the potential for excessive currents on the Connecticut River, all dredging should be contained by type III turbidity curtains.
- All in-water work, both confined and unconfined, should be prohibited in Decker's Brook and Meadow Brook during the spring diadromous fish migration period from April 1 to June 30, inclusive. During this period both brooks must be open to the free passage of fish both upstream and downstream.
- Post-spawn and juvenile diadromous fish migrate down Decker's Brook and Meadow Brook during the period from July 1 to September 30. During this period pumps should not be used to divert water around construction sites on the two brooks. Piping the water around the site via gravity flow is acceptable.
- Except at trail crossings, a vegetated buffer of no less than 75' should be maintained along both Decker's Brook and Meadow Brook.

Please contact Bruce Williams with any questions at Bruce.Williams@ct.gov, or 860-447-4317.

Land and Water Resources Division

Any activity within federally regulated wetland areas or watercourses at the site may require a permit from the U.S. Army Corps of Engineers pursuant to section 404 of the Clean Water Act. Further information is available on-line at [Army Corps of Engineers, New England District](http://www.armycorps.gov/newengland) or by calling the Corps Regulatory Branch in Concord, Massachusetts at 978-318-8338. If a permit is required from the U.S. Army Corps of Engineers, a Water Quality Certificate will also be required from DEEP pursuant to section 401 of the Clean Water Act. For information on creation of the cove and the permitting required, filling

of floodplains, and the need for Flood Management Certification, please contact Colin Clark at Colin.Clark@ct.gov, or 860-424-3214. For further information, contact the Land and Water Resources Division at 860-424-3019. A fact sheet regarding 401 Water Quality Certification is available online at [401 Certification](#).

Stormwater General Permit

The General Permit for [Stormwater and Dewatering Wastewaters from Construction Activities](#) may be applicable depending on the size of the disturbance regardless of phasing. 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 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 first inch of rain (the water quality volume or WQV) and incorporating control measures for runoff reduction and low impact development practices.

Projects that are exempt from local permitting (such as DOT) that disturb over one acre must submit a registration form and Stormwater Pollution Control Plan (SWPCP) to the Department at least 60 or 90 days, as identified in the permit, prior to the initiation of construction. 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. For further information, contact the division at 860-424-3025 or DEEP.StormwaterStaff@ct.gov. The construction stormwater general permit registrations must be filed electronically through DEEP's e-Filing system known as ezFile. Additional information can be found on-line at: [Construction Stormwater GP](#).

Solid Waste Disposal

DEEP performed a high-level review and found that there are no hazardous waste enforcement concerns for this project.

Demolition waste that is not contaminated with asbestos, PCBs, or other materials that require special handling is subject to Connecticut's [solid waste statutes and regulations](#), and must be reused, recycled, or disposed of accordingly. 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 goals. Connecticut's [Comprehensive Materials Management Strategy](#) outlines a goal of 60% recovery rate for municipal solid waste by the year 2024. Part of this effort includes increasing the amount of construction and demolition materials recovered for reuse and recycling in Connecticut. It is recommended 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 the DEEP's [C&D Material Management](#) and [C&D Waste Management Plan](#) web pages.

One way that certain types of construction and demolition waste can be reused is as clean fill. Clean fill is defined in section 22a-209-1 of the Regulations of Connecticut State Agencies (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 other than brick or rubble, contaminated demolition wastes (e.g. contaminated with oil or lead paint), tree stumps, or any kind of contaminated soils. 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 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 Connecticut General Statutes and section 22a-209-2 of the RCSA. A fact sheet regarding disposal of special wastes and the authorization application form may be obtained at: [Special Waste Fact Sheet](#).

Air Management

DEEP Bureau of Air Management typically recommends the use of newer off-road construction equipment that meets the latest EPA or California Air Resources Board (CARB) standards. If newer equipment cannot be used, equipment with the best available controls on diesel emissions including retrofitting with diesel oxidation catalysts or particulate filters in addition to the use of ultra-low sulfur fuel would be the second choice that can be effective in reducing exhaust emissions. The use of newer equipment that meets EPA standards would obviate the need for retrofits.

DEEP also recommends the use of newer on-road vehicles that meet either the latest EPA or California Air Resources Board (CARB) standards for construction projects. These on-road vehicles include dump trucks, fuel delivery trucks and other vehicles typically found at construction sites. On-road vehicles older than the 2007-model year typically should be retrofitted with diesel oxidation catalysts or diesel particulate filters for projects. Again, the use of newer vehicles that meet EPA standards would eliminate the need for retrofits.

Additionally, Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies (RCSA) limits the idling of mobile sources to 3 minutes. This regulation applies to most vehicles such as trucks and other diesel engine-powered vehicles commonly used on construction sites. Adhering to the regulation will reduce unnecessary idling at truck staging zones, delivery or truck dumping areas and further reduce on-road and construction equipment emissions. Use of posted signs indicating the three-minute idling limit is recommended. It should be noted that only DEEP can enforce Section 22a-174-18(b)(3)(C) of the RCSA. Therefore, it is recommended that the project sponsor include language similar to the anti-idling regulations in the contract specifications for construction to allow them to enforce idling restrictions at the project site without the involvement of DEEP.

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: Camille Fontanella