

Second Supplement to the Record of Decision

NDDB Consultation

Naugatuck Valley Council of Governments Regional Wastewater Study Environmental Impact Evaluation

July 25th, 2022

The purpose of this *Second Supplement to the Record of Decision (this supplement)* is to provide a response to comments submitted by the CT Council on Environmental Quality (CTCEQ) on March 29, 2022 to the CT Office of Policy and Management in relation to the Environmental Impact Evaluation (EIE) associated with this project. CTCEQ noted that CTDEEP did not perform a National Diversity Database (NDDDB) consultation for the recommended regional wastewater management alternative identified in the EIE. A copy of CEQ's comments letter is attached to this document.

To address CEQ's comments, CTDEEP-Municipal Facilities filed a NDDDB consultation form on May 19, 2022. The DEEP Wildlife Division issued a determination letter on 6/10/2022 identifying state and federally listed species present near the project footprint. A copy of the determination letter has been attached to this supplement. The comments provided by the Wildlife and Fisheries Division were as follows:

- 1) ***Derby WPCF Peregrine falcon (Falco peregrinus)- State Threatened. Habitat: cliff faces and under bridges. This falcon nests from April through July and is very susceptible to human disturbance during this time. Peregrine falcons are very territorial during the breeding season and will make their presence known if in close proximity to a nest site. The wildlife division recommends a 660' setback from nests with no public access. To determine if a nest in your area is active this year contact the DEEP Wildlife Biologist coordinating Peregrine falcon monitoring (Brian.hess@ct.gov). Between April- July: Do not introduce new work activities and staging areas within 330 feet (approximately 100 meters) of active nests that are out of line of sight, or within 660 feet (approximately 200 meters) from nests that are in the line of sight of nests.***
 - *The WPCF is approximately 500-600ft from the mapped location of the nest. Activities that will not increase noise and disturbance beyond that which occurs at the WPCF are not anticipated to impact this species.*

DEEP-Municipal Facilities response: The project is currently at the conceptual level and construction would not be expected to commence for at least another three or more years (if at all).

CT-DEEP will ensure that timely coordination with its Wildlife Division is performed during the design phase to ensure that adequate measures, including construction methodology, sequencing, and the location of staging areas are considered and properly planned to protect this species.

- 2) ***Seymour to Ansonia Pipeline Bald eagle (Haliaeetus leucocephalus)- State Threatened.***

It is illegal pursuant to section 26-93 of the Connecticut General Statutes to disturb Bald eagles. This law prohibits disturbing the birds while they are roosting, feeding, or nesting. The wildlife division recommends a 660' setback with no public access from a bald eagle nest or critical roosting site. The critical time for nesting eagles is February 1- August 1.

- *Your planned path along Wakelee Ave to Franklin St is outside of the 660ft setback area, and I do not anticipate impacts from construction along this roadway. Be aware that if your path is moved to the east, or the nest moves to the west, the following protection measures may be necessary.*
 - *Work activities and staging areas are prohibited within 330 feet (approximately 100 meters) of active nests/roosts that are out of line of sight, or within 660 feet (approximately 200 meters) from nests/roosts that are in the line of sight during periods of eagle use, unless surveys demonstrate that the nest or roost is not being used. Critical nesting time is between February 1- August 1.*
 - *Minimize cutting of large trees. No known bald eagle nest trees, perch trees, or roost trees will be felled or modified.*
 - *No blasting, pile driving and other intermittent activities that produce loud noises within 1/2 mile of active nests. This recommendation applies to the use of fireworks classified by the Federal Department of Transportation as Class B explosives, which includes the larger fireworks that are intended for licensed public display. To determine if nest or roost in your area is active this year contact the DEEP Wildlife Biologist coordinating eagle monitoring (Brian.hess@ct.gov).*

DEEP-Municipal Facilities response: The comment about the proposed force main location being outside the minimum protective buffer area is noted. If/when this project moves forward, CT-DEEP will ensure that timely coordination with its Wildlife Division is performed to ensure that adequate measures, including construction methodology, sequencing, and the location of staging areas are properly planned to protect this species.

Discharge to Housatonic Atlantic sturgeon (Acipenser oxyrinchus oxyrinchus)- Federally Endangered; State Endangered Shortnose sturgeon (Acipenser brevirostrum)- Federally Endangered; State Endangered Blueback herring (Alosa aestivalis)- State Special Concern

Two species above are both Federally and State listed as Endangered. Contact a DEEP Fisheries Biologist for more information. The presence of a Federally endangered species, may require consultation with the National Marine Fisheries Service in order to be in compliance with the Federal Endangered Species Act if the proposed project requires federal permits or uses federal funds. If you intend to seek any permits, registrations or authorizations with DEEP for this project you must first conduct a DEEP Fisheries Consultation. Use the attached DEEP Fisheries Consultation Form and submit

the required materials to DEEP.Inland.Fisheries@ct.gov as indicated on the form. A DEEP Fisheries Biologist will review the project and provide actions needed to mitigate negative impacts to fisheries resources, including state listed fish species. The completed DEEP Fisheries Division Determination will be returned to the applicant and must be submitted with any subsequent applications or registrations to DEEP regarding this project.

DEEP-Municipal Facilities response: The DEEP Fisheries Consultation form was emailed on June 29, 2022. In their July 13, 2022 reply, DEEP Fisheries provided the following comments:

Fisheries Consultation: Ansonia-Derby-Seymour Wastewater Regionalization Project
Fisheries Resources: The Naugatuck and Lower Housatonic rivers support spawning runs of the following diadromous (migratory) fish: Alewife, American Eel, American Shad, Blueback Herring (a statelisted species of special concern), Gizzard Shad, Sea Lamprey, and White Perch. Striped Bass, Atlantic Sturgeon (federally endangered), and Shortnose Sturgeon (federally endangered) are also seasonal migrants to these areas. Currently there are two fishways on the Naugatuck River which were designed to pass diadromous fish, one at the Kinneytown Dam in Ansonia and the other at the Tingue Dam in Seymour. There are currently no fishways on the Housatonic River, but by 2025 the owners of the Derby Dam will be required to provide fish passage as a condition of their FERC permit to generate hydroelectricity. The lower rivers also support a significant recreational fishery, mostly at O'Sullivan Island Park.

Comments/Recommendations:

1. The CTDEEP Fisheries Division strongly recommends that the outfall of the regional wastewater treatment plant be located on the Housatonic River. The preferred location would be downstream of the confluence of the two rivers but locating the new outfall at the site of the existing Derby treatment plant would be acceptable. May is the most critical month for diadromous fish migration. The estimated 12 MGD discharge from the regional plant would represent approximately 12% of the 99% duration (158 cfs.) of the estimated river flow in the lower Naugatuck River during the month of May. While the same discharge represents only 2% of the 99% duration (849 cfs.) for the Housatonic River just upstream from the confluence with the Naugatuck River. Due to dilution, the effluent will have a much smaller overall impact on fisheries resources if the outfall is located on the Housatonic River.

DEEP-Municipal Facilities response: The possibility of locating the outfall pipe on the Housatonic River can be further investigated. It is envisioned that a dye study will be performed to optimize outfall design and maximize river assimilation capacity. If/when the project moves forward, CT-DEEP will ensure that timely coordination with its Fisheries Division is performed to ensure that adequate measures, including construction methodology and sequencing are properly planned and implemented to protect aquatic species.

2. Construction of the new outfall, installation of conveyance pipes, and the expansion of the Ansonia treatment plant may impact fisheries resources. This may require mitigation measures such as time-of-year restrictions. As designs proceed, please provide additional details regarding any future construction associated with this project

DEEP-Municipal Facilities response: Noted. If/when the project moves forward, CT-DEEP will ensure that timely coordination with its Fisheries Division is performed to ensure that adequate protective measures are implemented.



STATE OF CONNECTICUT
COUNCIL ON ENVIRONMENTAL QUALITY

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Executive Director

March 29, 2022

Mr. Matt Pafford
Office of Policy and Management
450 Capitol Avenue
Hartford, CT 06106

Re: Response to the Record of Decision (ROD) of the Department of Energy and Environmental Protection (DEEP) for the Environmental Impact Evaluation (EIE) for the Naugatuck Valley Council of Governments Wastewater Systems Regionalization Study.

Mr. Pafford,

The Council on Environmental Quality (Council) has two concerns regarding DEEP's ROD for the EIE for the Naugatuck Valley Council of Governments Wastewater Systems Regionalization Study that bear on the adequacy of the EIE.

1) The EIE failed to reference the state's own Natural Diversity Database (NDDDB) to assess the possibility that "listed species" (species that are endangered, threatened or of special concern) are present and, thereby, "ensure that any action authorized, funded or performed by such agency does not threaten the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat designated as essential to such species", as required by [CGS Sec. 26-310](#). Consultation with the NDDDB should be a first step in complying with the requirement of RCSA [Section 22a-1a-3](#) to consider the "(5) Effect on natural communities and upon critical plant and animal species and their habitat; interference with the movement of any resident or migratory fish or wildlife species;" when performing a review in accord with the regulations that apply to the Connecticut Environmental Policy Act (CEPA).

While DEEP has consulted its NDDDB for some EIE's, it did not do so for this one. As an alternative resource, DEEP referenced the Information for Planning and Consultation (IPaC) database of the US Fish and Wildlife Service. IPaC only identifies "trust resources", such as migratory birds, species proposed or listed under the Endangered Species Act, inter-jurisdictional fishes, specific marine mammals, wetlands, and National Wildlife Refuge lands. Consequently, IPaC might not include the more than 150 species that are listed as "endangered" in Connecticut. A thorough assessment would have accessed both databases in the early planning stages of the project. Of the two, the NDDDB is preferred because DEEP updates the NDDDB maps twice yearly and incorporates Federal Listed Species.¹

¹ DEEP: Request for NDDDB State Listed Species Review, Part I, [Request for Natural Diversity Data Base \(NDDDB\) State Listed Species Review \(ct.gov\)](#).

Both databases state that reference to their respective lists is not adequate to assess the presence or absence of listed species at a given location. DEEP's on-line [instructions](#) state "The NDDDB Request for Review is designed to assist in complying with the Stated Endangered Species Act and to provide information to parties interested in conserving state listed species. *An NDDDB Review is not a substitute for actual on-site surveys, but can provide information on known locations of state listed species.*" IPaC makes the same assertion, "This printed resource list from the IPaC Resources page is NOT considered official USFWS correspondence for ESA consultation purposes. *It is for informational purposes only and does not constitute an analysis of project level impacts.*" Given these caveats, DEEP should assert that, if that is recommended in the NDDDB response letter, onsite surveys will be conducted before the initiation of construction to determine if listed species are present, and that appropriate mitigation measures will be taken if necessary.

It is important to note for this project, and for others that are to be constructed nearly entirely on developed land, that an NDDDB determination might include language that "a habitat evaluation may be sufficient" or that an on-site survey might not be needed for "highly developed sites with little suitable habitat or projects with minimal or temporary impacts", as is allowed in an NDDDB review response².

2) In its ROD, DEEP responded to the Council's question on whether the NDDDB will be consulted. DEEP response was "A review of the NDB will be conducted within two years prior to the initiation of construction activities (as required by the regulations). Commencement of construction is not projected to occur within the next two years." The Council is unaware of a regulation stating that there is a two-year period before which an NDDDB review is not allowed or required. If there is such a regulation, please ask DEEP to provide the Council with the citation.

DEEP's [instructions](#) for filling out the NDDDB request form state "If your project has not been initiated within two years following this review, then you must submit a new request. The NDDDB is constantly receiving new information and you will be required to address any new species found in the project area. Also, the regulatory list of state listed species is updated by the DEEP every five years. Reviews will be based on the most current regulatory list. If your follow-up review occurs after a new list has been adopted, you will be required to address newly listed species found in the project area". This wording does not support DEEP's interpretation that an NDDDB review is not required until two years prior to the initiation of construction. If an EIE is to be an effective planning tool, the NDDDB should be referenced early in the planning process. If more than two years elapse until construction, then it is to be consulted again, as stated in DEEP's NDDDB instructions.

Thank you for considering this response.

Sincerely,



Executive Director

² Question 13 of DEEP's [Request for Natural Diversity Data Base State Listed Species Review FAQ \(ct.gov\)](#).

June 10, 2022

Carlos Esguerra
CT DEEP
79 Elm St
Hartford, CT 06106
carlos.esguerra@ct.gov

NDDB DETERMINATION NUMBER: 202206342

Project: Naugatuck Valley Regional Wastewater Study, WPCF plant upgrades, final discharge to Housatonic River (Derby), Ansonia, Derby and Seymour, CT

Expiration: June 10, 2024

I have reviewed Natural Diversity Data Base (NDDB) maps and files regarding this project. According to our records, there are State-listed species (RCSA Sec. 26-306) documented nearby the proposed project areas.

Derby WPCF

Peregrine falcon (*Falco peregrinus*)- State Threatened

Habitat: cliff faces and under bridges. This falcon nests from April through July and is very susceptible to human disturbance during this time. Peregrine falcons are very territorial during the breeding season and will make their presence known if in close proximity to a nest site. The wildlife division recommends a 660' setback from nests with no public access. To determine if a nest in your area is active this year contact the DEEP Wildlife Biologist coordinating Peregrine falcon monitoring (Brian.hess@ct.gov).

Between April- July: Do not introduce new work activities and staging areas within 330 feet (approximately 100 meters) of active nests that are out of line of sight, or within 660 feet (approximately 200 meters) from nests that are in the line of sight of nests.

- The WPCF is approximately 500-600ft from the mapped location of the nest. Activities that will not increase noise and disturbance beyond that which occurs at the WPCF are not anticipated to impact this species.

Seymour to Ansonia Pipeline

Bald eagle (*Haliaeetus leucocephalus*)- State Threatened

It is illegal pursuant to section 26-93 of the Connecticut General Statutes to disturb Bald eagles. This law prohibits disturbing the birds while they are roosting, feeding, or nesting. The wildlife division recommends a 660' setback with no public access from a bald eagle nest or critical roosting site. The critical time for nesting eagles is February 1- August 1.

- Your planned path along Wakelee Ave to Franklin St is outside of the 660ft setback area, and I do not anticipate impacts from construction along this roadway. Be aware that if your path is moved to the east, or the nest moves to the west, the following protection measures may be necessary.

- Work activities and staging areas are prohibited within 330 feet (approximately 100 meters) of active nests/roosts that are out of line of sight, or within 660 feet (approximately 200 meters) from nests/roosts that are in the line of sight during periods of eagle use, unless surveys demonstrate that the nest or roost is not being used. Critical nesting time is between February 1-August 1.
- Minimize cutting of large trees. No known bald eagle nest trees, perch trees, or roost trees will be felled or modified.
- No blasting, pile driving and other intermittent activities that produce loud noises within 1/2 mile of active nests. This recommendation applies to the use of fireworks classified by the Federal Department of Transportation as Class B explosives, which includes the larger fireworks that are intended for licensed public display.

To determine if nest or roost in your area is active this year contact the DEEP Wildlife Biologist coordinating eagle monitoring (Brian.hess@ct.gov).

Discharge to Housatonic

Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*)- Federally Endangered; State Endangered

Shortnose sturgeon (*Acipenser brevirostrum*)- Federally Endangered; State Endangered

Blueback herring (*Alosa aestivalis*)- State Special Concern

Two species above are both Federally and State listed as Endangered. Contact a DEEP Fisheries Biologist for more information. The presence of a Federally endangered species, may require consultation with the National Marine Fisheries Service in order to be in compliance with the Federal Endangered Species Act if the proposed project requires federal permits or uses federal funds.

If you intend to seek any permits, registrations or authorizations with DEEP for this project you must first conduct a DEEP Fisheries Consultation. Use the attached DEEP Fisheries Consultation Form and submit the required materials to DEEP.Inland.Fisheries@ct.gov as indicated on the form. A DEEP Fisheries Biologist will review the project and provide actions needed to mitigate negative impacts to fisheries resources, including state listed fish species. The completed DEEP Fisheries Division Determination will be returned to the applicant and must be submitted with any subsequent applications or registrations to DEEP regarding this project.

Natural Diversity Data Base information includes all information regarding critical biological resources available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Bureau of Natural Resources and cooperating units of DEEP, independent conservation groups, and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the NDDDB should not be substituted for on-site surveys required for environmental assessments. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as, enhance existing data. Such new information is incorporated in the NDDDB as it becomes available.

Please contact me if you have any questions (shannon.kearney@ct.gov). Thank you for consulting with the Natural Diversity Data Base and continuing to work with us to protect State-listed species.

Sincerely,

/s/ Shannon B. Kearney
Wildlife Biologist



**Connecticut Department of
Energy & Environmental Protection**
Bureau of Natural Resources
Fisheries Division

DEEP Fisheries Consultation Form

To the Applicant - Prior to the submission of your license application to the Connecticut Department of Energy & Environmental Protection (DEEP) Water Planning and Management Division (WPMD) or Land and Water Resources Division (LWRD), please complete Part I below and e-mail the following to deep.inland.fisheries@ct.gov:

1. this completed DEEP *Fisheries Consultation Form*;
2. a site location map,
3. a PDF version of the proposed project plans including a site survey of existing conditions (if available), and
4. photos of the site.

Fisheries Division staff will contact you if further details are needed. Once the Fisheries Division staff returns the completed form to you, please include the form, and any signed plans (if applicable) in your license application submittal to DEEP.

Part I: Applicant and Site Information (*to be completed by APPLICANT*)

1. Applicant/Registrant Information

Name: CARLOS A. ESGUERRA, DEEP, Municipal Facilities Section

Mailing Address: 79 ELM STREET

City/Town: HARTFORD

State: CT

Zip Code: 06106

Business Phone: 860-424-3756

Ext.: _____

Contact Person: _____

Phone: _____

Ext: _____

E-mail Address: CARLOS.ESGUERRA@CT.GOV

2. Engineer/Surveyor/Agent Information (list as applicable)

Name: _____

Mailing Address: _____

City/Town: _____

State: _____

Zip Code: _____

Business Phone: _____

Ext.: _____

Contact Person: _____

Phone: _____

Ext: _____

E-mail Address: _____

Service Provided: _____

3. Site Location:

Name of Site: DERBY WASTEWATER TREATMETN PLANT -DISCHARGE POINT-

Address of Site or Location Description: 1 Caroline Street

City/Town: DERBY

State: CT

Zip Code: 06418

Parcel Location/Tax Assessor's Reference: Map _____

Block _____

Lot _____

Name of Stream or Waterbody: HOUSATONIC RIVER

4. Activity: Check the box best describing your activity: (check all that apply):

new public/fishing access;

maintenance dredging

new docks and marinas on the Connecticut River;

beach nourishment

coastal/tidal dredging projects;

cofferdam installation

activities in inland/non-tidal waterbodies and watercourses;

withdrawal of water from a non-tidal/inland river, stream, pond or lake;

withdrawal of water from a wetland, marsh, swamp, or bog hydrologically connected to a non-tidal/inland river, stream, pond or lake;

withdrawal of groundwater from stratified drift deposits hydrologically connected to a non-tidal/inland river, stream, pond or lake.

Note: Fisheries consultation is **not required** for docks and marinas on Long Island Sound.

Part I: Applicant and Site Information (to be completed by APPLICANT) (continued)

5. DEEP Pre-application Contact: Indicate name of permit analyst or engineer, if applicable. It is important to reiterate that this project is at this point in time at the conceptual level, however this consultation is being requested at this juncture so that any recommended mitigative measures can be considered as the project is further developed. If and when the design is initiated, a new fisheries consultation form will be prepared and submitted requesting review of the proposed outfall pipe location and configuration. The new discharge pipe and effluent from the wastewater treatment facility would be regulated at a minimum via a NPDES permit issued by DEEP's Municipal Facilities section, via a Structures, Dredging and Fill permit from DEEP's LWRD and a permit from USACOE.

6. Project Description: Provide or attach a brief, but thorough, description of the project including any measures to protect, enhance or restore fish populations:

The regional wastewater treatment consolidation study was commissioned by the Naugatuck Valley Council of Governments (NVCOG), to look at the potential for cost-effective wastewater treatment regionalization alternatives among five communities in the Naugatuck Valley. This study was funded through a grant administered by the State of Connecticut Office of Planning and Management (OPM), under the Regional Performance Incentive Program, CGS Sec. 4-124s. The primary objective of the consolidation study was to investigate the potential for cost efficiencies through a more regionalized approach to wastewater treatment for communities in the study area.

The communities included in this study were: Derby, Ansonia, Seymour, Beacon Falls and Naugatuck. The consolidation study was conducted in two phases, with major stakeholders (including from DEEP, NVCOG and each of the five communities) provided review and input at each milestone in the study. The first phase of the study included projecting population, wastewater flows and loads over a 20-year planning period, initial condition assessment of the existing wastewater infrastructure, projecting costs under the 'base case' scenario with no regionalization, and developing a 'long list' of potential regionalization alternatives. In the second phase of the study, the long list of regionalization alternatives was refined to a short list of the most advantageous alternatives, which were developed and evaluated further. The short-listed alternatives were developed to the point where their reasonable cost projections could be compared versus the related costs for the base case alternative of no regionalization. Currently the Derby water pollution control facility (WPCF) discharges to the Housatonic River, while treatment plants for the other four communities all discharge to the Naugatuck River

The regional wastewater treatment consolidation study recommended decommissioning the Derby and Seymour wastewater treatment facilities, and pumping wastewater from those communities to an expanded regional facility located at the site of the current Ansonia treatment plant. The study also recommended pumping the treated effluent from the regional facility back to Derby for discharge to the Housatonic River. The required treatment plant and conveyance infrastructure would be implemented in a phased approach, over a period of approximately six years

Regionalization at Ansonia will require a new phosphorus removal facility to meet phosphorus discharge limits in the Naugatuck River. For this reason, fully treated secondary and seasonally disinfected effluent from the regional plant in Ansonia to the Housatonic River at the Derby plant's existing outfall. The corridor for the effluent conveyance pipeline would be virtually the same as the regional conveyance pipeline from Derby to Ansonia for those alternatives, with two pipes installed in parallel, one from Derby conveying raw wastewater to Ansonia for treatment and the other from Ansonia conveying fully treated secondary effluent back to Derby. In these alternatives, the Ansonia effluent pump station would be modified to become a conveyance pump station; this only adds nominal costs as the effluent pumps at Ansonia would need to be upgraded in any case.

It is currently envisioned that at times of high tide cycles, the hydraulic grade line would need to be raised for discharge to the river. This would be accomplished by the existing City of Derby stormwater pump station which also serves as a plant effluent pump station under high river level conditions. While a detailed review of this facility has not been conducted, it is likely that the capacity of this pump station would need to be increased to accommodate peak flows from the combined treated effluent discharged from the

Ansonia regional WPCF. Specific expansion and development determinations for this pump station will be made during the project design phase.

The permitted average daily flow rate would be increased from 3.5 Million Gallons per Day (MGD) to a minimum of about 12 MGD (average daily flow rate) to accommodate the existing wastewater flows from Ansonia, Derby and Seymour. It is likely that if the design phase is initiated, DEEP will require a dye study be performed to optimize outfall design and location.

Part II: Fisheries Determination (To be completed by DEEP Fisheries Staff only)

To Fisheries Staff - This completed consultation form is required to be submitted as part of an application to DEEP. The application has not yet been submitted to DEEP. Please review the enclosed materials and determine whether the project will significantly impact any fisheries or fisheries habitat. You may provide comments or recommendations regarding the proposal. Send this completed form to the applicant and copy the DEEP analyst, if known, or the applicable WPMD/LWRD Supervisor. If the proposed work **WILL** significantly impact any fisheries and/or habitat or if you have any comments or concerns regarding the regulatory review for this project, contact the DEEP analyst, if known, or the applicable WPMD/LWRD Supervisor.

DEEP FISHERIES DIVISION DETERMINATION

Date Consultation Form received: 07/01/22

Please check applicable boxes and return the completed Consultation Form to the applicant:

- I have determined that the work described in Part I of this form and attachments **WILL NOT** significantly impact any fisheries and/or habitat;
- I have determined that the work described in Part I of this form and attachments **WILL NOT** significantly impact any fisheries and/or habitat **if the below Recommendations are followed**; and/or,
- I have determined that the work described in Part I of this form and attachments **WILL NOT** significantly impact any fisheries and/or habitat **if the design features shown on the attached plans are incorporated**. Fisheries staff to sign and date plans and return to the applicant with the completed Consultation Form.

COMMENTS/RECOMMENDATIONS (or check here if these are attached following this page:):

See attached sheet

"By entering my name below, I agree that I am providing my legal signature, and am legally bound by the determination above."

Bruce H Williams

07/13/22

Signature of Fisheries Division Staff

Date

Bruce H Williams

E.P. Fisheries Biologist

Print Name of Fisheries Division Staff

Title

Fisheries Consultation: Ansonia-Derby-Seymour Wastewater Regionalization Project

Fisheries Resources: The Naugatuck and Lower Housatonic rivers support spawning runs of the following diadromous (migratory) fish: Alewife, American Eel, American Shad, Blueback Herring (a state-listed species of special concern), Gizzard Shad, Sea Lamprey, and White Perch. Striped Bass, Atlantic Sturgeon (federally endangered), and Shortnose Sturgeon (federally endangered) are also seasonal migrants to these areas. Currently there are two fishways on the Naugatuck River which were designed to pass diadromous fish, one at the Kinneytown Dam in Ansonia and the other at the Tingué Dam in Seymour. There are currently no fishways on the Housatonic River, but by 2025 the owners of the Derby Dam will be required to provide fish passage as a condition of their FERC permit to generate hydroelectricity.

The lower rivers also support a significant recreational fishery, mostly at O'Sullivan Island Park.

Comments/Recommendations:

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2. Construction of the new outfall, installation of conveyance pipes, and the expansion of the Ansonia treatment plant may impact fisheries resources. This may require mitigation measures such as time-of-year restrictions. As designs proceed, please provide additional details regarding any future construction associated with this project.