State of Connecticut

Environmental Review Checklist

Last Updated 02/25/2020

Instructions for Use:

The Environmental Review Checklist (ERC), as defined in Sec. 22a-1a-1(9) of the Regulations of Connecticut State Agencies (RCSA), is intended to assist state agencies in (1) determining whether a proposed action or category of actions requires public scoping, or (2) in recording an agency's initial assessment of the direct, indirect, and cumulative environmental effects of a proposed action at the completion of public scoping.

For the purposes of CEPA, an Action is defined in Sec 22a-1a-1(2) of the RCSA as an individual activity or a sequence of planned activities initiated or proposed to be undertaken by an agency or agencies, or funded in whole or in part by the state.

Completion of the ERC is only *required* as part of a sponsoring agency's post-scoping notice in which the agency has determined that it will not be preparing an EIE (Sec. 22a-1a-7(d) of the RCSA).

In all other instances, the sponsoring agency has the option to use this form or portions of it, in conjunction with the applicable Environmental Classification Document (ECD), as a tool to assist it in determining whether or not scoping is required and to document the agency's review. This can be especially useful for an agency administering a proposed action that is not specifically represented in the ECD or which may have additional factors and/or indirect or cumulative impacts requiring further consideration.

Even if an agency ultimately determines that public scoping is not necessary, as a matter of public record OPM highly recommends that the agency internally document its decision, and its justification.

In completing this form, include descriptions that are clear, concise, and understandable to the general public.

Note that prior to reviewing a proposed action under the Connecticut Environmental Policy Act (CEPA), Connecticut General Statutes (CGS), Section 16a-31 requires agencies to review any proposed actions for the acquisition, development or improvement of real properties, or the acquisition of public transportation equipment or facilities, and in excess of $200,000, for consistency with the policies of the State Plan of Conservation and Development (State C&D Plan).

State of Connecticut

Environmental Review Checklist

Last Updated 02/25/2020

PART I – Initial Review and Determination

Date:	October 4, 2024
Name of Project/Action:	Middlebury Commons Interconnection with Connecticut Water Company Naugatuck Region - Central System
Project Addresses:	Nutmeg Road into Middlebury Commons Condominium Complex
Affected Municipalities:	Middlebury
Sponsoring Agency:	Department of Public Health (DPH)
Agency Project Number, if applicable:	N/A
Project Funding Source/Program, if known:	Drinking Water State Revolving Fund (DWSRF)

Identify the Environmental Classification Document (ECD) being used in this review:
☒ Generic, or ☐ Agency-Specific

☐ An environmental assessment or environmental impact statement is being prepared pursuant to NEPA, and shall be circulated in accordance with CEPA requirements.

☐ The proposed action requires a written review by the State Historic Preservation Office (SHPO) and/or Nation Tribal Historic Preservation Office (NATHPO). Include SHPO/NATHPO reviews as an attachment, or indicate the status of those reviews:

☒ Based on the analysis documented in this Environmental Review Checklist (ERC), and in consideration of public comments, this agency has determined that the preparation of an Environmental Impact Evaluation (EIE) for the proposed action is not warranted. Publication of this document to the Environmental Monitor shall satisfy the agency's responsibilities under *Section 22a-1a-7 of the Regulations of Connecticut State Agencies* (RCSA).

Completed by: Lisette Stone, Environmental Analyst, Source Assessment and Protection Unit, DPH DWS

Note that prior to commencing a CEPA review, Connecticut General Statutes (CGS) Section 16a-31 requires state agencies to review certain actions for their consistency with the policies of the State Plan of Conservation and Development (State C&D Plan). Completion of this ERC assumes the agency has determined this proposed action to be consistent with the State C&D Plan.

PART II – Detailed Project Information

Description of the Purpose & Need of the Proposed Action:

The proposed project would physically abandon the existing drinking water wells serving Middlebury Commons and consolidate their small public water system with Connecticut Water Company's (CTWC) Naugatuck Region - Central System. The current infrastructure that provides water to Middlebury Commons is aged, lacks redundancy and poses risks of extended water outages.

Description of the Proposed Action:

The project would require installing approximately 460 ft of 6" water main (8" if a fire hydrant is needed) from the existing water main on Nutmeg Road, providing an easement to CTWC, connecting each Middlebury Commons building to the water main, and abandoning the existing wells.

Alternatives Considered:

No alternatives, other than inaction, were considered.

Public concerns or controversy associated with the proposed action:

DPH received comments from the Connecticut Department of Energy and Environmental Protection (DEEP) on May 15, 2024 and responses from the Applicant on October 1, 2024. DPH did not find DEEPs comments or recommendations, nor the Applicant's responses, which are assessed in Part IV, to be of concern or controversy.

PART III – Site Characteristics (Check all that apply)

The proposed action is non-site specific, or encompasses multiple sites;	☐
Current site ownership:	☐ N/A, ☐ State; ☐Municipal, ☒ Private, ☐ Other: Please Explain.
Anticipated ownership upon project completion:	☐ N/A, ☐ State; ☐Municipal, ☒ Private, ☐ Other: Please Explain.

Locational Guide Map Criteria:
2018-2023 Locational Guide Map (arcgis.com)

Priority Funding Area factors:
☐ Designated as a Priority Funding Area, including ☐ Balanced, or ☐ Village PFA;
☒ Urban Area or Urban Cluster, as designated by the most recent US Census Data;
☐ Public Transit, defined as being within a ½ mile buffer surrounding existing or planned mass transit;
☒ Existing or planned sewer service from an adopted Wastewater Facility Plan;
☒ Existing or planned water service from an adopted Public Drinking Water Supply Plan;
☐ Existing local bus service provided 7 days a week.

Conservation Area factors:
☐ Core Forest Area(s), defined as greater than 250 acres based on the 2006 Land Cover Dataset;
☐ Existing or potential drinking water supply watershed(s);
☐ Aquifer Protection Area(s);
☐ Wetland Soils greater than 25 acres;
☐ Undeveloped Prime, Statewide Important and/or locally important agricultural soils greater than 25 acres;
☐ Category 1, 2, or 3 Hurricane Inundation Zone(s);
☐ 100 year Flood Zone(s);
☐ Critical Habitat;
☐ Locally Important Conservation Area(s),
☐ Protected Land (list type): Enter text.
☐ Local, State, or National Historic District(s).

PART IV - Assessment of Environmental Significance – Direct, Indirect, And Cumulative Effects

Required Factors for Consideration (Section 22a-1a-3 of the RCSA)	Agency's Assessment and Explanation
Effect on water quality, including surface water and groundwater;	The project is unlikely to significantly impact water quality. To protect surface water, including Hop Brook which is located within 0.1 miles of the project site, stormwater management practices and erosion control measures will be implemented in accordance with state and local guidelines. Groundwater will be safeguarded through proper well abandonment procedures, reducing the risk of contamination. The project will adhere to the Stormwater Quality Manual and Guidelines for Soil Erosion and Sediment Control to minimize any potential impacts.
Effect on a public water supply system;	The project will positively impact the public water supply system by consolidating Middlebury Commons' small, outdated system with CTWC's larger system. This interconnection will provide better redundancy, reduce the risk of service interruptions, and ensure water quality meets state and federal standards. Analysis of the minor increase in demand from Middlebury Commons indicates the interconnection will not create a strain on CTWC's existing resources.
Effect on flooding, in-stream flows, erosion or sedimentation;	The project is not expected to impact stormwater flows, floodplain storage, or impervious coverage. The installation of the new water supply system and abandonment of the wells will cause only temporary disturbances, which will be managed through a detailed soil and erosion control plan.
Disruption or alteration of an historic, archeological, cultural, or recreational building, object, district, site or its surroundings; A. Alteration of an historic building, district, structure, object, or its setting; OR B. Disruption of an archeological or sacred site;	The project is not expected to cause negative impacts.
Effect on natural communities and upon critical plant and animal species and their habitat; interference with the movement of	The project site is located in a Natural Diversity Database (NDDB) Review Area, and a formal review will be requested as part of the permitting process. The project is not expected to impact wetlands, and with minimal activity in the upland review area, no

any resident or migratory fish or wildlife species;	significant effects on wildlife, including endangered or threatened species, are anticipated. Any necessary protections or standards identified through the NDDB review will be implemented to safeguard critical plant and animal habitats. There is no anticipated interference with the movement of resident or migratory wildlife.
Use of pesticides, toxic or hazardous materials or any other substance in such quantities as to cause unreasonable adverse effects on the environment;	The project is not expected to cause adverse effects.
Substantial aesthetic or visual effects;	The project is not expected to cause adverse effects.
Inconsistency with: (A) the policies of the State C&D Plan, developed in accordance with section 16a-30 of the CGS; (B) other relevant state agency plans; and (C) applicable regional or municipal land use plans;	The project is consistent with the State of Connecticut's Plan of Conservation and Development (POCD) including Growth Management Principles (GMP): • 4.14: " *Support the introduction or expansion of public water…when there is a demonstrated environmental, public health, public safety, economic, social, or general welfare concern*" – Id. 16 • 5.1: "*Utilize a multiple barrier approach to ensure the availability of safe and adequate public water supplies that meet or exceed state and federal drinking water standards*" – Id. 17 • 6.3 "*Support the creation of objective and uniform protocols for public water*" – Id. 21
Disruption or division of an established community or inconsistency with adopted municipal and regional plans, including impacts on existing housing where sections 22a- 1b(c) and 8-37t of the CGS require additional analysis;	The project is not expected to disrupt communities or housing.
Displacement or addition of substantial numbers of people;	The project is not expected to displace any people.
Substantial increase in congestion (traffic, recreational, other);	The project is not expected to cause any increase in congestion.

A substantial increase in the type or rate of energy use as a direct or indirect result of the action;	The project is not expected to significantly increase energy use.
The creation of a hazard to human health or safety;	The project is not expected to create a hazard to human health and safety. To the contrary, upon completion the project will provide safe and adequate water supply to Middlebury Commons residents.
Effect on air quality;	The project is not expected to affect air quality.
Effect on ambient noise levels;	The project is not expected to affect ambient noise levels.
Effect on existing land resources and landscapes, including coastal and inland wetlands;	There are no activities proposed within any coastal or inland wetland areas for this project. All work for installation of the proposed water main and laterals is temporary disturbance, and the area shall be restored and reseeded to its current condition upon completion of the project. Therefore, the project is unlikely to have any adverse impacts to existing land resources or landscapes, including coastal or inland wetland areas.
Effect on agricultural resources;	The project is not expected to affect agricultural resources.
Adequacy of existing or proposed utilities and infrastructure;	The project addresses the inadequacies of the current aging infrastructure at Middlebury Commons by proposing to abandon the existing wells and connect to CTWC's Naugatuck Region - Central System. The project will replace outdated facilities with CTWC's well-maintained infrastructure.
Effect on greenhouse gas emissions as a direct or indirect result of the action;	The project is not expected to create greenhouse gas emissions.
Effect of a changing climate on the action, including any resiliency measures incorporated into the action;	The project promotes the resiliency of Middlebury Commons by replacing an aging system with a reliable connection to CTWC, mitigating the risk of extended water outages for residents and ensuring consistent access to potable water.
Any other substantial effects on natural, cultural, recreational, or scenic resources.	The project is not expected to cause negative impacts.
Cumulative effects.	The cumulative impacts of the project are not expected to be significant.

PART V - List of Required Permits, Approvals and/or Certifications Identified at the Time of this Review

At the time of this review, required permitting and approval will be conducted by the Town of Middlebury's Conservation/Inland Wetlands and Zoning Departments. A DEEP General Stormwater Permit is not required under the current design. However, if the scope of the project changes and the footprint of activity increases, the developer will comply with the necessary permitting. Pursuant to 19-13-B102(d), final plans and specifications will be submitted to DPH for approval.

PART VI – Sponsoring Agency Comments and Recommendations

Based on DPH's review of the documents provided, the project is not one that may significantly affect the environment, and therefore, an Environmental Impact Evaluation (EIE) is not required under CEPA.

PART VII - Public Comments and Sponsoring Agency Responses:

Based on the DPH's environmental assessment of the proposed project which includes a review of the comments provided by the Department of Energy and Environmental Protection (DEEP) dated May 15, 2024 and the Applicant responses dated October 1, 2024, DPH has been determined that the project does not require the preparation of an Environmental Impact Evaluation (EIE) under CEPA. DPH will coordinate with the Applicant to ensure that the recommendations by DEEP are implemented.