To: Eric McPhee, DPH Drinking Water Section
From: Jordan Herpich
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Date: 5/15/2024

Subject: Scoping Notice for Middlebury Commons Interconnection with Connecticut Water Company Naugatuck Region-Central System.

The Department of Energy and Environmental Protection (DEEP) has received the Notice of Scoping for Middlebury Commons Interconnection with Connecticut Water Company. This project consists of abandoning drinking water wells at Middlebury Commons and consolidating their small public water system with Connecticut Water Company's Naugatuck Region-Central System. The current infrastructure is aged, causing increased risk of extended periods without potable water for residents. The project requires the installation of 460-feet of 6-inch water main from Connecticut Water Company's existing water main on Nutmeg Road, providing an easement to Connecticut Water Company, connecting each building to the water main, and abandoning the existing drinking water wells.

The following comments are submitted in response to the scoping requirements of the Connecticut Environmental Policy Act. Scoping is the gathering and analysis of information that a state agency will use to establish the scope of environmental review of a proposed project. Scoping is done in the early planning stages of a project and DEEP is a commenting agency. Contact information is included as well as any necessary links to DEEP's webpages.

Effect on water quality, including surface water and groundwater:

Chris Stone, Water Permitting & Enforcement Division, Chris.Stone@ct.gov

Whether or not the project will be subject to the construction stormwater general permit depends on several factors. If the project is subject to approval by a town land-use commission and the total disturbance will exceed 5 acres, it is considered Locally Approvable and a registration for a construction stormwater general permit will be required. If the project will not be subject to local approval, it is considered Locally Exempt and a registration is required if disturbance will exceed 1 acre. Registration for the stormwater general permit can be submitted through the DEEP EZFile portal.

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

Hop Brook, a tributary to the Naugatuck River, runs parallel to Regan Road, less than 0.1 miles from the entrance to Middlebury Commons and this segment is an unimpaired waterway. Downstream, Hop Brook and Hop Brook Lake are both impaired and referred to in the Naugatuck River Regional Watershed Total Maximum Daily Load. Work during construction should be contained as to not impair Hop Brook or its downstream waters. The update guidance from both the Stormwater Quality Manual and Guidelines for Soil Erosion and Sediment Control should be followed.

Effect on flooding, in-stream flows, erosion, or sedimentation:

No comments submitted at this time.

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:

Robin Blum, Wildlife Division NDDB Program, Robin.Blum@ct.gov

The location appears to be in an identified Natural Diversity Database (NDDB) Review Area. No review request has yet been submitted. An NDDB review can be requested through DEEP's ezFile portal. Please see the NDDB FAQ page for more information. Please note that comments from the NDDB Program are limited to plant and wildlife species that are listed as endangered, threatened, or special concern, and do not include non-listed plant and wildlife species.

Use of pesticides, toxic or hazardous materials or any other substance in such quantities as to cause unreasonable adverse effects on the environment:

Carl Gruszczak, Remediation Division, Carl.Gruszczak@ct.gov

There are no properties within the area of the project site that are filed with any of DEEP's remediation clean-up programs.

A substantial increase in the type or rate of energy use as a direct or indirect result of the action:

No comments submitted at this time.

Effect on air quality:

No comments submitted at this time.

Effect on existing land resources and landscapes, including coastal and inland wetlands:

No comments submitted at this time.

Adequacy of existing or proposed utilities and infrastructure:

Melissa Mostowy, Water Planning and Management Division, Melissa. Mostowy@ct.gov

The Water Diversion Program reviewed the project to determine if a consumptive water diversion permit is required for the project. Based on the review, it has been determined that it is unlikely that a permit will be needed. An aerial image of the complex was reviewed, and it appears that there are about 10 units. If each unit was occupied by a family of 4, the usage would be much less than 50,000 gallons per day. It was also observed that the water will be transferred between two different service areas, which based on the language in the regulation below, is still exempt from needing a permit.

Sec. 22a-377(b)-1(6) Transfer of up to 50,000 gallons of water in any twenty-four hour period from one distribution system or service area to another distribution system or service area, or installation of capacity to transfer such water, provided the quantity of water withdrawn from any source does not exceed the quantity authorized pursuant to any applicable permit issued or registration filed under section 22a-368 of the Connecticut General Statutes.

Effect on greenhouse gas emissions as a direct or indirect result of the action:

No comments submitted at this time.

Effect of a changing climate on the action, including any resiliency measures incorporated into the action:

No comments submitted at this time.

Additional Comments/ Concerns:

List of permits:
Federal Section 404 Clean Water Act, Water Quality Permit
☐ Required for this project.
☒ May be required for this project. Contact the Army Corps of Engineers to determine jurisdiction.
☐ Not required.

State 401 Water Quality Permit

☐ Required (necessary for state approval when a Federal 404 is required)

☒ May be required, contact Land and Water Resources Division, or request a pre-application meeting.

☒ May be required, unable to state with information provided at this stage.

☐ Not required.

General Permit for Stormwater and Dewatering Wastewaters from Construction Activities (Construction Stormwater GP) Note: Without detailed plans, several options might be checked, please review these options to determine which is applicable for the project.

☒ If between one and five acres of disturbance and approved at the local level, not required to register with DEEP.

☒ If five or more acres of disturbance and approved at the local level, must complete registration form and Stormwater Pollution Control Pan 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. For further information, contact the division at 860-424-3025 or DEEP.StormwaterStaff@ct.gov

☒ Projects exempt from local permitting (conducted by government authorities) disturbing over one acre must submit a registration form and Stormwater Pollution Control Plan to DEEP at least 60-90 days, as identified by the permit, prior to initiating construction.

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.

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