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October 1, 2024

Mr. Eric McPhee, DPH Drinking Water Section
CT Department of Energy & Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Re: Middlebury Commons Interconnection with CT Water Company System
Nutmeg Road, Middlebury, CT
Response to CT DEEP Scoping Comments

Dear Mr. McPhee:

We have received a copy of a scoping review letter from Jordan Herpich to your office, dated May 15, 2024, for the above referenced water connection project. Civil 1 is the site civil design engineer for the proposed project and is currently in the design phase for the water supply system.

As mentioned in the memo, the proposed 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 [all of whom are over age 55]. 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 memo includes comments from multiple divisions within the CT DEEP and we offer the following responses to each of these comments for your review:

Effect on Water Quality Including Surface Water and Groundwater

Chris Stone, Water Permitting & Enforcement Division

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.

Response: It is our estimation that the project will disturb less than 3 acres of land in total. The project will be approved by local land use commissions as there will be work within the wetland regulated upland review area as defined by the Town of Middlebury. There is no direct wetland impact anticipated for the project. Therefore, we do not believe that the project will need to register for the stormwater general permit. However, if the situation changes we will follow all required protocol for permitting through CT DEEP, The Town of Middlebury, and Army Corps of Engineers.

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Marlene Krajewski, Water Planning and Management Division

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 updated guidance from both the Stormwater Quality Manual and Guidelines for Soil Erosion and Sediment Control should be followed.

Response: We concur. A full soil and sediment erosion control plan will be prepared that meets the guidelines included in both the most recently Stormwater Quality Manual and the Guidelines for Soil Erosion and Sediment Control. Examples of erosion control measures that we anticipate utilizing include silt fence, haybale barriers, silt socks or other inlet protection measures, protected topsoil stockpile areas, clean water diversion ditches, and water bars as necessary. A full construction sequence, inspection and maintenance requirements, planting and seeding requirements, and responsibility information shall be included in the plans as well.

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

No comments submitted at this time.

Response: We do not anticipate any impact to stormwater flows or volumes, flood plain storage, or impervious coverage. The installation of the water supply system and abandonment of existing wells shall have only temporary disturbance, which shall be contained and controlled by a detailed soil and erosion control plan as noted above.

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

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.

Response: We will submit an NDDB review request as part of the local permitting process for this project. We will comply with required protections, schedules, and standards based upon the results of the review. There is no anticipated wetland impact and limited activity within the upland review area so we do not foresee measurable impacts to wildlife as a result of the project.

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

Carl Cruszczak, Remediation Division

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

Response: We concur.

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.

Response: There are no additional residents to the community as a result of this project and we do not anticipate any increase in the rate of energy use at the property.

Effect on air quality:

No comments submitted at this time.

Response: We do not anticipate any adverse impacts to air quality as a result of this project (temporary or permanent).

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

No comments submitted at this time.

Response: 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, we do not anticipate any adverse impacts to existing land resources or landscapes, including coastal or inland wetland areas.

Adequacy of existing or proposed utilities and infrastructure:

Melissa Mostowy, Water Planning and Management Division

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

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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."

Response: Based on our preliminary investigation there are 36 bedrooms contained within 30 units (5 buildings) at the property. They are senior living units and are a mix of 1 and 2 bedrooms. There is also a small community building on the site but is used by the same residents and no large gatherings. Based upon the CT Public Health Code a conservative water usage estimate per day would be 5,400 GPD, far under the 50,000 GPD threshold for a consumptive water diversion permit. We will continue to work with your office to confirm this as the design goes through the permitting process.

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

No comments submitted at this time.

Response: We do not anticipate any measurable effect on greenhouse gas emissions.

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

No comments submitted at this time.

Response: We believe that the action/project is a necessary step to maintaining safety and resiliency of the existing development. The continued use of aging well systems is likely to leave the residents without water for an extended period of time in the future.

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.

Response: We do not believe that USACE 404 Water Quality Permit is required for the project as there are no filling or dredging/excavation activities proposed within any wetland or watercourse. Should the local land use authorities or the Army Corps of Engineers determine that a USACE General Permit or Pre-Construction Notification be necessary, we shall comply.

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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.

Response: We do not believe that CT DEEP 404 Water Quality Permit is required for the project as there are no filling or dredging/excavation activities proposed within any wetland or watercourse. Should the local land use authorities or the CT DEEP Land and Water Resourced Division determine that 404 Water Quality permit is required, we shall comply.

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.

Response: The proposed action will temporarily disturb less than 3 acres of land. The project is locally approvable by the Town of Middlebury Conservation/Inland Wetlands and Zoning Departments. Therefore, the project will not be required to file a CT DEEP General Stormwater Permit as it is currently designed. If the footprint of activity increases, the developer will be required to file using the CT DEEP ezFile portal.

Please contact me with any questions or if you need any additional information.

Sincerely yours,

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Emily M. Jones, P.E.

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