



To: Mithila Chakraborty, Ph.D., Department of Housing
From: Jordan Herpich
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Date: 1/5/2024

Subject: Scoping Notice for The Monarch, 149-169 Derby Avenue, New Haven

The Department of Energy and Environmental Protection (DEEP) has received the Notice of Scoping for the project sponsored by the Department of Housing. The project is located at 149-169 Derby Avenue, New Haven, which is four contiguous parcels. The site is contaminated and contains two commercial buildings that had previously operated as a dry cleaner. The project involves the demolition of the existing two commercial buildings, site remediation, and construction of a 68-unit mixed income residential development.

The following comments are submitted for your consideration. There will be information linked to DEEP's website as well as contact information for the programs.

The **Permitting/ Regulatory Programs** section contains information on DEEP's regulatory programs that may require permits for the project or may be supplementary information, needed in order to complete a permit application (such as the Natural Diversity Database program and Fisheries Division). The links and contact are there to help guide the applicant and sponsoring agency to determine if permits are required after the project moves closer to design and construction. These comments are meant to provide a high-level analysis of the area, since scoping notices tend to be at the beginning stages of a project.

The **Information/ Best Management Practices** section contains comments that may need to be addressed in the post-scoping notice or Environmental Impact Evaluation.

Permitting/ Regulatory Programs

Natural Diversity Database

Contact: Robin Blum, Wildlife Division, Robin.Blum@ct.gov.

The project received an e-generated Natural Diversity Database (NDDDB) determination letter on November 27, 2023. The letter contains Best Management Practices for the project. The project received a "no conflict" response and no further review from the Wildlife Division is necessary.

Air Management

Contact: Jaimeson Sinclair, Engineering Division, Jaimeson.Sinclair@ct.gov

DEEP has reviewed the project and has determined that there is potential for impacts on air quality from the soil remediation process that will be conducted. The remediation may trigger the need for air permitting. (Soil vapor extraction and air stripping of groundwater are remediation processes that may potentially trigger the need for air permitting). The developer should be careful to minimize particulate emissions during demolition of the existing building, and construction of the new building, per Section 22a-174-18(c) of the Regulations of Connecticut State Agencies.

Stormwater and Dewatering Wastewaters from Construction Activities General Permit

Contact: Water Permitting and Enforcement Division, DEEP.stormwaterstaff@ct.gov

The General Permit for [Stormwater and Dewatering Wastewaters from Construction Activities](#) may be applicable depending on the size of the disturbance regardless of phasing. This general permit was created to address rainfall runoff (i.e., stormwater) from sites under construction in order to reduce or eliminate the discharge of sediment from the site during construction as well as addressing discharges of other stormwater pollutants from the site long term.

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 Water Quality Volume (WQV) in accordance with the Stormwater Quality Manual and incorporating control measures.

Projects that are exempt from local permitting 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. Locally Approvable construction projects with a total disturbed area of one to five acres are not required to register with the Department provided the development plan has been approved by a municipal land use agency and adheres to local erosion and sediment control land use regulations and the CT Guidelines for Soil Erosion and Sediment Control. Locally Approvable construction projects with a total disturbed area of five or more acres must submit a

registration form and SWPCP to the Department 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. The construction stormwater general permit registrations must be filed electronically through DEEP's [ezFile Portal](#). Additional information can be found on-line at: [Construction Stormwater GP](#).

Information/ Best Management Practices

Aquifer Protection

Contact: Melissa Fahnestock, Water Planning and Management Division, Melissa.Fahnestock@ct.gov

DEEP staff reviewed the location of this project and found that it is not in an aquifer protection area, and have no further comments on the project.

Watershed Management

Contact: Emma Coffey, Water Planning and Management Division, Emma.Coffey@ct.gov

The project location is east of the West River, which is an impaired waterbody. A waterbody is considered impaired when the waterbody does not currently meet water quality standards. The [West River Watershed Management Plan](#) aims to resolve this impairment, which lists remediation sites as a potential source of impairment to the waterbody. As such, management measures for stormwater, sediment removal, and any activities related to the remediation should be taken in order to not further impact water resources.

DEEP supports incorporating [green infrastructure](#) into the design of residential development to manage stormwater runoff. The West River Watershed Management Plan recommends continued implementation of green infrastructure throughout the watershed. Green infrastructure should continue to be implemented through retrofits of existing developed sites and roads (i.e., complete streets), and as part of new public and private development and redevelopment in the watershed, as required by existing and future land use regulations and policies.

Solid Waste Disposal

Contact: Frank Gagliardo, Waste Engineering and Enforcement Division, Frank.P.Gagliardo@ct.gov

The disposal of demolition waste should be handled in accordance with applicable solid waste statutes and regulations. Demolition debris may be contaminated with asbestos, lead-based paint or chemical residues and require special disposal. 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 CGS and section 22a-209-2 of the RCSA. Additional information concerning disposal of demolition debris is available on-line at [Demolition Debris](#).

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. Pursuant to section 22a-241a of the CGS, the state set a goal of 60% rate of diversion from disposal for municipal solid waste by the year 2024 and adopted that goal in the state's December 2016 *Comprehensive Materials Management Strategy*. Part of this effort includes increasing the amount of construction and demolition materials recovered for reuse and recycling in Connecticut. DEEP recommends 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-line at [Construction and Demolition Material Management](#) and [Construction and Demolition Waste Management Plans](#).

Special Waste

Contact: Waste Engineering & Enforcement Division, 860-424-3023

If abatement is required for asbestos containing materials (ACM), these materials are regulated as a "special waste" in Connecticut and may not be disposed of with regular construction and demolition waste. Instead, these materials may only be disposed of at facilities that are specifically authorized to accept ACM. Although the disposal of asbestos-containing material is typically arranged for by the licensed asbestos abatement contractor, project proponents should ensure that the contractor disposes of all such materials at properly licensed facilities. A fact sheet regarding disposal of special wastes and the authorization application form may be obtained at: [Special Waste Fact Sheet](#).

Demolition debris may also include materials that contain polychlorinated biphenyls (PCBs). Such materials can include transformers, capacitors, fluorescent light ballast and other oil-containing equipment, and in certain building materials (i.e., paint, roofing, flooring, insulation, etc.). EPA has learned that caulk containing potentially harmful polychlorinated biphenyls (PCBs) was used around windows, door frames, masonry columns and other masonry building materials in many buildings starting in 1929 with increased popularity in the 1950s through the 1970s, including schools, large scale apartment complexes and public buildings. In general, these types of buildings built after 1978 do not contain PCBs in caulk. In 2009, EPA announced new guidance about managing PCBs in caulk and tools to help minimize possible exposure. The guidance can be found at: [PCBs in Caulk](#). Where schools or other buildings were constructed or renovated prior to 1978, EPA and DEEP recommend that PCB-containing caulk removal be scheduled during planned renovations, repairs (when replacing windows, doors, roofs, ventilation, etc.) and demolition projects, whenever

possible. However, the continued use of such PCB materials is prohibited and, where it is identified, it must be addressed. EPA recommends testing caulk that is going to be removed as the first step to determine what protections are needed during removal. Where testing confirms the presence of PCBs, it is critically important to ensure that they are not released to air during replacement or repair of caulk in affected buildings. Many such PCB removal projects will need to include sampling of the substrate and soil, as well as require plans to be approved by EPA in coordination with DEEP. Further information concerning the DEEP PCB Program can be found on-line at: [DEEP PCB Program](#).

In addition to asbestos and PCBs, demolition debris may also be contaminated with lead-based paint, chemical residues, or other materials that require special disposal. For more information on these materials and disposal, see the [DEEP's Renovation and Demolition Web Page](#).

Deconstruction, an environmentally friendly alternative to demolition, should be utilized to salvage as much of the reusable materials as possible, diverting them from the waste stream. Salvaged items typically include doors, windows, cabinets, lighting and plumbing fixtures, framing lumber, roofing materials, and flooring. Additional information concerning deconstruction can be found on-line at: [Deconstruction](#).

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