



To: Mithila Chakraborty
From: Jordan DiDomenico
Telephone: 860-424-3708
Email: Jordan.DiDomenico@ct.gov

Date: 6/7/2024

Subject: Notice of Scoping for 10 Liberty Street

The Department of Energy and Environmental Protection (DEEP) has received the Notice of Scoping for the proposed project at 10 Liberty Street, New Haven. The project will include the demolition of five vacant industrial buildings, construction of a new affordable housing apartment building, creation of new stormwater retention systems, and construction of new curbs and sidewalks.

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.

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

The entirety of the City of New Haven is within South Central Regional Water Authority's service area and it is not likely that new sources for drinking water will need to be developed. Regardless of the public water supply availability, it is unlikely that the proposed demand will cause the system to exceed the usage of 50,000 gallons per day (the jurisdictional threshold for DEEP's Diversion Program).

Chris Stone, Water Permitting and Enforcement Division, chris.stone@ct.gov :

This project will likely require a construction stormwater general permit. If this is a municipal project, it will be considered "locally exempt" under DEEP's stormwater permit and will require a registration if the total disturbed area exceeds 1-acre. If the project is a private development project, it will be considered "locally approvable" and will require a permit if the total disturbed

area exceeds 5-acres. Information on the stormwater permit and links to appropriate resources can be found in the permit section below.

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

There are no concerns related to the Aquifer Protection Area Program.

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

This project is in a subregional basin that drains to the Long Island Sound via New Haven Harbor, which is impaired for aquatic life, recreation, and shellfish, and as a result has a [pollutant reduction analysis for bacteria](#). To minimize the water quality impacts, proper management measures should be taken, throughout both demolition and construction phases. The Water Planning and Management Division encourages incorporating green infrastructure where possible into the development plans to help with infiltration; as such the Water Planning and Management Division supports the incorporation of bioswales and encourage green infrastructure/low impact development as appropriate into the curb construction, as well as incorporating such elements into the construction of the apartment building. New Haven is one of the communities identified for Low Impact Development in the [Long Island Sound Study Comprehensive Management Plan](#).

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.

Bruce Williams, Fisheries Division HCE Program, Bruce.Williams@ct.gov :

No work is proposed in or near any waterbodies, therefore no impacts to fisheries resources are expected and no further consultation with Fisheries is required.

Robin Blum, Wildlife Division NDDDB Program, Robin.Blum@ct.gov :

The project location is not in a Natural Diversity Data Base (NDDDB) area and no further consultation with the NDDDB program is required. Please note that comments from the NDDDB 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.

Allison Forrest-Laiuppa, Emergency Response and Spill Prevention Division, Allison.Forrest-laiuppa@ct.gov :

At the property, soils with constituents of concern (COCs) above the Connecticut Remediation Standard Regulations (RSRs) were encountered during the removal of heating fuel oil underground storage tank (UST) in 2016. Remedial actions were conducted, and a [Remedial Action Report](#) was completed. A licensed environmental professional (LEP) [verification](#) was rendered in September 2021.

The PCB Program has no records for this address.

Amanda Limacher, Remediation Division, Amanda.Limacher@ct.gov :

[An Environmental Land Use Restriction \(ELUR\) is recorded](#) on the property with two inaccessible soil subject areas (beneath the existing building and beneath the pavement). A release from the ELUR must be requested if the pavement, building, and/or soil beneath are to be disturbed.

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.

Danielle Missell, Land and Water Resources Division, Danielle.Missell@ct.gov :

It appears that there are no wetlands or watercourses on the property. As such 401 or 404 Water Quality permitting is not required from DEEP Land and Water Resources Division or Army Corps of Engineers, respectively.

Adequacy of existing or proposed utilities and infrastructure.

No comments submitted at this time.

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:

Environmental Justice and Pest Control:

DEEP staff reviewed the project location and determined that the project is located in an Environmental Justice community. In Connecticut, an Environmental Justice community is defined as 1) a distressed municipality as designated by the Department of Economic and Community Development or 2) defined census block groups where 30% of the population is living below 200% of the federal poverty level. This [Connecticut Environmental Justice](#) map represents environmental justice communities.

To guarantee efficient pest control in these communities during demolition and construction activities, a pest management plan must be in place prior to demolition to address the displacement of rodents from old buildings, foundations, infrastructure, pipes, and culverts, so neighboring areas do not inherit a pest management problem. Integrated pesticide management practices should be in place to reduce dependency on pesticides and promote long-term pest prevention.

Prior to demolition, a comprehensive survey of the project area should be conducted to identify rodent nesting and feeding areas. An extermination plan should be developed in coordination with municipal health officials to be implemented before demolition commences. After demolition, the project site and surrounding area should be monitored to confirm the success of extermination efforts and investigate any reports of rodents.

A professional exterminator should be retained to develop a written rodent management plan. The plan should:

- Name all businesses, their employee(s) and role(s) they play in supporting or actively managing the rodent population for the duration (pre-demolition, throughout the project including post-demolition/construction) of the project for accountability purposes.
- Include details on who/how sanitation will be addressed prior to and throughout the project – dumpsters in good condition (no rot, no holes larger than a dime) with drain holes kept plugged/covers that close well and are kept closed, emptied or removed from the site frequently enough that they do not overflow.
- Identify/remove sources of water wherever possible.

- Describe pre-baiting of burrows and placement of bait stations prior to demolition.
- Describe how often the construction site and its surroundings will be monitored (at least weekly, possibly more often) for sanitation, water sources, active burrows, replacement and refilling of bait stations throughout the entirety of the project.
- Identify rodenticides to be used, listing them in a hierarchy of first, second and third choice.
- Describe how communication will take place between the parties involved, frequency of evaluating the program, overall steps that will be implemented if weaknesses or failures in the program are identified.

The city where the project is taking place should have their Health Department/Housing Code Enforcement staff communicate with owners of surrounding properties on the importance of maintaining sanitation and managing rodents on their own properties.

Demolition:

The disposal of demolition waste should be handled in accordance with applicable solid waste statutes and regulations, information on the disposal of demolition debris is available online at [Construction and Demolition Waste](#). 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. 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 material other than brick or rubble, contaminated demolition wastes (e.g., contaminated with oil or lead paint), tree stumps, or any kind of contaminated soils.

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 goal of 60% rate of diversion from solid waste (as of 2024). 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](#).

If asbestos containing materials (ACM) are present and abatement is required, 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. There is currently only one facility in Connecticut that is licensed to accept ACM: R.E.D. Technologies, LLC, of Portland, Connecticut. Information about this facility may be found on [DEEP's Commercial Hazardous and Connecticut-Regulated Waste web page](#). There are many more facilities that accept ACM that are located out of state. Information about such facilities may be obtained from the state environmental agencies for each state.

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](#).

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 the registration form and Stormwater Pollution Control Plan 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