

**To:** Kevin Fleming, Transportation Planner, Department of Transportation  
2800 Berlin Turnpike, Newington CT

**From:** Linda Brunza- Environmental Analyst

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**Date:** 2/17/2022

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**Subject:** Route 17 exit reconfiguration, I- 9 Northbound

Staff at DEEP reviewed the scoping notice for the reconfiguration of route 17 onramp to Route 9, which includes a full-length acceleration lane, bridge reconstruction, some realignment of Route 9, and road widening. The following comments were received from staff during the scoping notice period.

### **Fisheries Division**

The proposed improvements will include the construction of two new bridges over Sumner Brook. The brook has runs of the following diadromous fish species: Alewife, American Eel, and Blueback Herring (a state-listed species of special concern). It also supports a diverse community of resident fish species. To protect these resources DEEP recommends the following:

1. The channel under the new bridges should be passable to migrating fish, composed of natural substrate, and maintain the existing thalweg.
2. To protect diadromous fish during their spring spawning migration, all unconfined instream water work should be prohibited from April 1 to June 30, inclusive. During this period, it is also important that the channels under the bridges remain open and passable to fish.
3. Loud construction activities like jack hammering and hoe ramming may also interfere with the migration of diadromous fish and should be prohibited from sunset to sunrise from April 1 to June 30. Loud is defined as any noise exceeding 90 decibels, as measured at the water's surface at the point closest to the source.
4. Many species of diadromous fish migrate at night and bright artificial lights may interfere with their migration. During the spring migration period from April 1 to June 30, artificial lighting over the water's surface should be limited.

Coordination with DEEP Fisheries will continue through design/ build.

### **Land and Water Resources Division**

If the reconnaissance of the site by a certified soil scientist identifies regulated areas, they should be clearly delineated. Any activity within federally regulated wetland areas or watercourses at the site may require a permit from the U.S. Army Corps of Engineers pursuant to section 404 of the Clean Water Act. Staff from the Land and Water Resources Division will be able to clarify if this project would qualify for Self-Verification or a Preconstruction Notification during the DOT's Project Management Meetings. Please note that the Army Corps of Engineering General Permit is expiring in August and requirements for each level of permitting is subject to change.

Further information is available on-line at [Army Corps of Engineers, New England District](#) or by calling the Corps Regulatory Branch in Concord, Massachusetts at 978-318-8338. If a permit is required from the U.S. Army Corps of Engineers, a Water Quality Certificate will also be required from DEEP pursuant to section 401 of the Clean Water Act. For further information, contact the Land and Water Resources Division at 860-424-3019. A fact sheet regarding 401 Water Quality Certification is available online at [401 Certification](#).

## **Air Management**

DEEP Bureau of Air Management typically recommends the use of newer off-road construction equipment that meets the latest EPA or California Air Resources Board (CARB) standards. If newer equipment cannot be used, equipment with the best available controls on diesel emissions including retrofitting with diesel oxidation catalysts or particulate filters in addition to the use of ultra-low sulfur fuel would be the second choice that can be effective in reducing exhaust emissions. The use of newer equipment that meets EPA standards would obviate the need for retrofits.

DEEP also recommends the use of newer on-road vehicles that meet either the latest EPA or California Air Resources Board (CARB) standards for construction projects. These on-road vehicles include dump trucks, fuel delivery trucks and other vehicles typically found at construction sites. On-road vehicles older than the 2007-model year typically should be retrofitted with diesel oxidation catalysts or diesel particulate filters for projects. Again, the use of newer vehicles that meet EPA standards would eliminate the need for retrofits.

Additionally, Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies (RCSA) limits the idling of mobile sources to 3 minutes. This regulation applies to most vehicles such as trucks and other diesel engine-powered vehicles commonly used on construction sites. Adhering to the regulation will reduce unnecessary idling at truck staging zones, delivery or truck dumping areas and further reduce on-road and construction equipment emissions. Use of posted signs indicating the three-minute idling limit is recommended. It should be noted that only DEEP can enforce Section 22a-174-18(b)(3)(C) of the RCSA. Therefore, it is recommended that the project sponsor include language similar to the anti-idling regulations in the contract specifications for construction in order to allow them to enforce idling restrictions at the project site without the involvement of DEEP.

Thank you for the opportunity to review this project. Please note there were no concerns with the potential of hazardous or solid waste with this project, and the project is not in an Aquifer Protection area.

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: Andrew Hoskins