



State of Connecticut
Environmental Review Checklist

Last Updated 02/25/2020

Instructions for Use:

The Environmental Review Checklist (ERC), as defined in Sec. 22a-1a-1(9) of the Regulations of Connecticut State Agencies (RCSA), is intended to assist state agencies in (1) determining whether a proposed action or category of actions requires public scoping, or (2) in recording an agency's initial assessment of the direct, indirect, and cumulative environmental effects of a proposed action at the completion of public scoping.

For the purposes of CEPA, an Action is defined in Sec 22a-1a-1(2) of the RCSA as an individual activity or a sequence of planned activities initiated or proposed to be undertaken by an agency or agencies, or funded in whole or in part by the state.

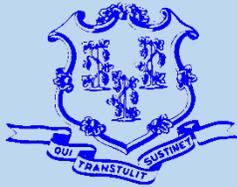
Completion of the ERC is only *required* as part of a sponsoring agency's post-scoping notice in which the agency has determined that it will not be preparing an EIE (Sec. 22a-1a-7(d) of the RCSA).

In all other instances, the sponsoring agency has the option to use this form or portions of it, in conjunction with the applicable Environmental Classification Document (ECD), as a tool to assist it in determining whether or not scoping is required and to document the agency's review. This can be especially useful for an agency administering a proposed action that is not specifically represented in the ECD or which may have additional factors and/or indirect or cumulative impacts requiring further consideration.

Even if an agency ultimately determines that public scoping is not necessary, as a matter of public record OPM highly recommends that the agency internally document its decision, and its justification.

In completing this form, include descriptions that are clear, concise, and understandable to the general public.

Note that prior to reviewing a proposed action under the Connecticut Environmental Policy Act (CEPA), Connecticut General Statutes (CGS), Section 16a-31 requires agencies to review any proposed actions for the acquisition, development or improvement of real properties, or the acquisition of public transportation equipment or facilities, and in excess of \$200,000, for consistency with the policies of the State Plan of Conservation and Development (State C&D Plan).



PART I – Initial Review and Determination

Date: 5/6/2024
Name of Project/Action: Return to the Riverbend
Project Address(es): 44, 110, & 225 River Road
Affected Municipalities: Middletown, CT

Sponsoring Agency: DECD
Agency Project Number, if applicable: 2023-083-075-10000
Project Funding Source(s)/Program(s), if known: Community Investment Fund, C.G.S. Section 32-285a

Identify the Environmental Classification Document (ECD) being used in this review:

Generic, or Agency-Specific

An environmental assessment or environmental impact statement is being prepared pursuant to NEPA, and shall be circulated in accordance with CEPA requirements.

The proposed action requires a written review by the State Historic Preservation Office (SHPO) and/or Nation Tribal Historic Preservation Office (NATHPO). Include SHPO/NATHPO reviews as an attachment, or indicate the status of those reviews: Indicate status of SHPO and/or NATHPO review.

Based on the analysis documented in this Environmental Review Checklist (ERC), and in consideration of public comments, this agency has determined that the preparation of an Environmental Impact Evaluation (EIE) for the proposed action is not warranted. Publication of this document to the Environmental Monitor shall satisfy the agency's responsibilities under Section 22a-1a-7 of the Regulations of Connecticut State Agencies (RCSA).

Completed by: William Wallach/Mark Burno, Project Manager

Note that prior to commencing a CEPA review, Connecticut General Statutes (CGS) Section 16a-31 requires state agencies to review certain actions for their consistency with the policies of the State Plan of Conservation and Development (State C&D Plan). Completion of this ERC assumes the agency has determined this proposed action to be consistent with the State C&D Plan.

PART II – Detailed Project Information

Description of the Purpose & Need of the Proposed Action:

The proposed action will enable a brownfield to be remediated and cleaned up to support redevelopment and economic activity.

Description of the Proposed Action:

The City Middletown has been awarded a Community Investment Fund 2023 grant for five brownfield properties constituting a portion of the Return to the Riverbend project which seeks remediate and redevelop land located along the Connecticut River in the downtown Middletown area. Following the remediation activities, the city is planning to redevelop the site for mixed-use residential, recreational, commercial, and entertainment district uses.

The Connecticut Department of Energy and Environmental Protection’s (DEEP) Remediation Division stated that the site located at 225 River Road was accepted into the Brownfield Remediation and Revitalization Program (BRRP) on April 12, 2021 with the City of Middletown as the Applicant. As part of the BRRP program, the Applicant must submit a Completion of Investigation (COI) Form to avoid this site being subjected to an enforcement action under the BRRP under C.G.S. Section 32-769 A COI will be prepared and submitted after completion of all environmental investigations.

Alternatives Considered:

No action alternative

Public concerns or controversy associated with the proposed action:

None

PART III – Site Characteristics (Check all that apply)

- The proposed action is non-site specific, or encompasses multiple sites;
- Current site ownership: N/A, State; Municipal, Private, Other Special Improvement District
- Anticipated ownership upon project completion: N/A, State; Municipal, Private, Other:

Locational Guide Map Criteria:

<http://ctmaps.maps.arcgis.com/apps/webappviewer/index.html?id=ba47efccdb304e02893b7b8e8cff556a>

Priority Funding Area factors:

- Designated as a Priority Funding Area, including Balanced, or Village PFA;
- Urban Area or Urban Cluster, as designated by the most recent US Census Data;
- Public Transit, defined as being within a ½ mile buffer surrounding existing or planned mass transit;
- Existing or planned sewer service from an adopted Wastewater Facility Plan;
- Existing or planned water service from an adopted Public Drinking Water Supply Plan;
- Existing local bus service provided 7 days a week.

Conservation Area factors:

- Core Forest Area(s), defined as greater than 250 acres based on the 2006 Land Cover Dataset;
- Existing or potential drinking water supply watershed(s);
- Aquifer Protection Area(s);
- Wetland Soils greater than 25 acres;
- Undeveloped Prime, Statewide Important and/or locally important agricultural soils greater than 25 acres;
- Category 1, 2, or 3 Hurricane Inundation Zone(s);
- 100 year Flood Zone(s);
- Critical Habitat;
- Locally Important Conservation Area(s),
- Protected Land (list type): Enter text.
- Local, State, or National Historic District(s).

PART IV - Assessment of Environmental Significance – Direct, Indirect, And Cumulative Effects

<p>Required Factors for Consideration (Section 22a-1a-3 of the RCSA)</p>	<p>Agency’s Assessment and Explanation</p>
<p>Effect on water quality, including surface water and groundwater;</p>	<ul style="list-style-type: none"> • The Return to the Riverbend project lies between two impaired segments of the Connecticut River, which should be considered when planning development around this water source so as not to impact the water resources. • The project likely need the <u>Federal 404 Clean Water Act, Water Quality Permit</u> and the State <u>401 Certification</u>. • A <u>Stormwater and Dewatering Wastewaters from Construction Activities</u> general permit may be applicable. The general permit applies to discharges of stormwater and dewatering wastewater from construction activities where the activity disturbs more than an acre and includes registration to obtain permit coverage and development and implementation of a Stormwater Pollution Control Plan (SCPCP).
<p>Effect on a public water supply system;</p>	<ul style="list-style-type: none"> • The proposed action is not located in an aquifer protection area and will not result in any significant adverse impact to groundwater and surface water quality. • The design for the proposed redevelopment should consider resiliency to climate change throughout, and DEEP supports the use of green space in the project to encourage infiltration of stormwater runoff.
<p>Effect on flooding, in-stream flows, erosion or sedimentation;</p>	<ul style="list-style-type: none"> • A pre-application flood management meeting was completed between the City of Middletown and DEEP on 10/16/2023. • FEMA is currently conducting a flood map update for the CT river watershed and draft maps will be made available in November 2023. The updated maps will indicate changes to the floodplain and will help inform the planning for flood management. • A <u>Stormwater and Dewatering Wastewaters from Construction Activities</u> general permit may be applicable. The general permit applies to discharges of stormwater and dewatering wastewater from construction activities where the activity disturbs more than an acre and includes registration to obtain permit coverage and development and implementation of a Stormwater Pollution Control Plan (SCPCP).

<p>Disruption or alteration of an historic, archeological, cultural, or recreational building, object, district, site or its surroundings; A. Alteration of an historic building, district, structure, object, or its setting; OR B. Disruption of an archeological or sacred site;</p>	<p>The project submitted a project notification form to the State Historic Preservation Office for review of the remaining buildings and for archeological assessment of the properties.</p> <p>The remaining building is a deteriorated industrial structure that is to be demolished and no historic impacts are anticipated.</p>
<p>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;</p>	<ul style="list-style-type: none"> • Portions of the project property fall within the Natural Diversity Database Areas, thus requiring submission of a Request for natural Diversity Database State-listed Species Review. • DEEP Fisheries Division expressed concerns related to the potential impacts on the diadromous (migratory) fish species in Summer Brook due to the construction activities. The following recommendations are made: <ul style="list-style-type: none"> ○ All unconfined in-water work should be prohibited from April 1 to June 30, inclusive. During this period, it is also important that the stream channel remains open and passable to fish. ○ 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 for construction related activities should not be directed on to the water surface. ○ Loud construction activities like jack hammering may also interfere with fish migrations and should be prohibited from sunset to sunrise from April 1 to June 30, inclusive. Loud construction noises are defined as those exceeding 90 decibels, as measured above the water’s surface at the point closest to the source of the noise. • The Fisheries Division also requests to provide insight and design information for recreational fishing access on these properties. • If any federal funds are used for this project, then a NOAA Essential Fish Habitat Review will be required. <ul style="list-style-type: none"> ○ Also, due to the presence of federally endangered sturgeon, a federal ESA review will also be required.
<p>Use of pesticides, toxic or hazardous materials or any other substance in such quantities as to</p>	<ul style="list-style-type: none"> • Given the nature of the development, the use of pesticides, toxic or hazardous materials are not anticipated. Any

<p>cause unreasonable adverse effects on the environment;</p>	<p>residual impacted from fill and historic activities will be addressed as part of the site investigation and cleanup.</p> <ul style="list-style-type: none"> • Solid Waste Disposal <ul style="list-style-type: none"> ○ The project’s demolition waste is subject to <u>Connecticut’s solid waste statues and regulations</u> and must be reused, recycled, or disposed of accordingly. Connecticut’s <u>Comprehensive Materials Management Strategy</u> outlines goals for recovery rates of municipal solid waste. Additional information concerning construction and demolition material management and waste management plans can be found on the DEEP’s <u>C&D Material Management</u> and <u>C&D Waste Management Plan</u> web pages. • Special Waste <ul style="list-style-type: none"> ○ 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. Project proponents should ensure that contractors dispose of all such materials at properly licensed facilities. For further information, contact the Waste Engineering & Enforcement Division at 860-424-3023. ○ Demolition debris may also include materials that contain polychlorinated biphenyls (PCBs). In 2009, EPA announced new guidance about managing PCBs in caulk and tools to help minimize possible exposure. The guidance can be found at: <u>PCBs in Caulk</u>. 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: <u>DEEP PCB Program</u>.
<p>Substantial aesthetic or visual effects;</p>	<p>The project is not expected to cause substantial aesthetic or visual impacts in the area.</p>
<p>Inconsistency with: (A) the policies of the State C&D Plan, developed in accordance with</p>	<p>Proposed project is consistent with the State C&D Plan Growth Management Principles:</p> <ul style="list-style-type: none"> • #1 Redevelop and Revitalize Regional Centers and Areas,

<p>section 16a-30 of the CGS; (B) other relevant state agency plans; and (C) applicable regional or municipal land use plans;</p>	<ul style="list-style-type: none"> • #3 Concentrate Development Around Transportation Nodes and Major Corridors, • #4 Conserve and Restore the Natural Environment, Cultural and Historical Resources, and Traditional Rural Lands • #5 Protect and Ensure the Integrity of Environmental Assets Critical to Public Health and Safety • #6 Promote Integrated Planning Across all Levels of Government to Address Issues on a Statewide, Regional, and Local Basis
<p>Disruption or division of an established community or inconsistency with adopted municipal and regional plans, including impacts on existing housing where sections 22a- 1b(c) and 8-37t of the CGS require additional analysis;</p>	<p>The site has been vacant for years. Disruption of existing communities, municipal/regional plans is not anticipated.</p>
<p>Displacement or addition of substantial numbers of people;</p>	<p>The site is vacant. No direct, indirect, or cumulative impacts are anticipated.</p>
<p>Substantial increase in congestion (traffic, recreational, other);</p>	<p>The site and immediate area are largely vacant. Any potential impacts can be mitigated by adopting best management practices to reduce congestion during design, permitting and construction phases of project.</p>
<p>A substantial increase in the type or rate of energy use as a direct or indirect result of the action;</p>	<p>There will potentially be an increase in energy use during construction and after completion of the development since the site is vacant. Impacts will be mitigated during permitting and design of project.</p>
<p>The creation of a hazard to human health or safety;</p>	<p>The proposed action and remediation of the site will reduce risk associated with existing impact at the site.</p>
<p>Effect on air quality;</p>	<ul style="list-style-type: none"> • 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

	<p>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.</p> <ul style="list-style-type: none"> • 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 22a174-18(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 to allow them to enforce idling restrictions at the project site without the involvement of DEEP.
Effect on ambient noise levels;	No significant adverse direct, indirect, or cumulative impacts to ambient noise levels from the redevelopment are anticipated.
Effect on existing land resources and landscapes, including coastal and inland wetlands;	Adverse effects to existing land resources and landscapes are not anticipated.
Effect on agricultural resources;	No direct, indirect, or cumulative adverse effects to agricultural resources.
Adequacy of existing or proposed utilities and infrastructure;	Existing utilities are present in the area of the site. These utilities will be extended and upgraded to the site.
Effect on greenhouse gas emissions as a direct or indirect result of the action;	Potential impacts will be mitigated by adopting best management practices during design and construction.
Effect of a changing climate on the action, including any resiliency measures incorporated into the action;	The design for the proposed redevelopment should consider resiliency to climate change throughout. and DEEP supports the use of green space in the project to encourage infiltration of stormwater runoff.

Any other substantial effects on natural, cultural, recreational, or scenic resources.	None anticipated
Cumulative effects.	The project is expected to improve site conditions and the area.

<p>PART V - List of Required Permits, Approvals and/or Certifications Identified at the Time of this Review</p> <p>Brownfield Remediation and Revitalization Program Completion of Investigation Form (COI)</p> <p>Federal and State Flood Management Certification</p> <p>General Permit for the Discharge of Groundwater Remediation Wastewater</p> <p>General Permit for Stormwater and Dewatering Wastewaters from Construction Activities</p> <p>Unconfined in-water work should be prohibited from April 1 to June 30, inclusive, and during this period stream channels remain open.</p> <p>If Federal Funds are used for this project</p> <ul style="list-style-type: none"> NOAA Essential Fish Habitat Review Federal ESA Review (for federally endangered sturgeon)

<p>PART VI – Sponsoring Agency Comments and Recommendations</p> <p>After examining any potential environmental impacts and reviewing all comments received, DECD has concluded that the preparation of an Environmental Impact Evaluation (EIE) is not warranted.</p>

<p>PART VII - Public Comments and Sponsoring Agency Responses:</p> <p>No public comments provided during scoping notice period.</p>
