

**To:** William Wallach, Department of Economic and Community Development

**From:** Linda Brunza- Environmental Analyst

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**Date:** 12/5/2022

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**Subject:** 90 and 100 Garfield Avenue, New London

Staff at the Department of Energy and Environmental Protection (DEEP) reviewed the scoping notice for the proposed construction of workforce and affordable housing on 3.59 acres at 90 and 100 Garfield Avenue in New London. The site was formerly occupied by Edward Bloom Silk Mill and is now in the Municipal Brownfield Grant program for investigation, abatement, and remediation.

### **Remediation Division**

The City of New London received a Municipal Brownfield Grant pursuant to Connecticut General Statutes (CGS) Section 32-763 from the Department of Economic and Community Development (DECD) in association with the redevelopment of the former Edward Bloom Silk Mill at 90 and 100 Garfield Avenue in New London. The City has selected Garfield Mills, LLC as the developer of this property. DEEP supports the redevelopment of the former Edward Bloom Silk Mill.

In accordance with Connecticut General Statutes (CGS) Section 32-763 the City must enroll the site in DEEP's Voluntary Remediation Program under CGS Section 22a-133x. Pursuant to CGS Section 22a-6(i), the City of New London will not be required to pay a fee for entering the site in the voluntary remediation program.

CGS Section 32-763 also requires brownfield grant recipients that are not subject to the Transfer Act (CGS Section 22a-134a) to enter a program for remediation of the property pursuant to either section 22a-133x, 22a-133y, 32-768 or 32-769 as determined by DECD. The City's enrollment in the voluntary remediation program (CGS Section 22a-133x) will satisfy this requirement.

Past activities associated with the former Edward Bloom Silk Mill, the Garfield Belt Company, Tunxis Sportswear, and other site occupants left contaminated soil present at the site. Contaminated soils at the site are the result of both the presence of polluted fill and releases related to past site operations. Active remediation in the form of soil excavations along with institutional controls such as Engineered Controls and Environmental Land Use Restrictions to render soils inaccessible will likely be required.

Remediation and redevelopment activities will be conducted in accordance with a Remedial Action Plan that will ensure that any contaminated soil at the site is cleaned up or rendered inaccessible in accordance with the requirements of DEEP's Remediation Standard Regulations.

Please contact Michael Senyk from the Remediation Division with any questions at [Michael.Senyk@ct.gov](mailto:Michael.Senyk@ct.gov), or 860-424-3782.

### **Natural Diversity Database**

This project is not located in a Natural Diversity Database Area, which is a record of state or federal listed species maintained by the Wildlife Division, so no application will need to be submitted.

### **Aquifer Protection**

Staff from DEEP reviewed the location of this project and found that it is not in an aquifer protection area and has no comments on the proposed project.

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

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. 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](#).

### **Stormwater General Permit**

The General Permit for [Stormwater and Dewatering Wastewaters from Construction Activities](#) may be applicable depending on the size of the disturbance regardless of phasing. 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 first inch of rain (the water quality volume or WQV) and incorporating control measures for runoff reduction and low impact development practices.

Projects that are exempt from local permitting (such as DOT) 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. 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](mailto:DEEP.StormwaterStaff@ct.gov). The construction stormwater general permit

registrations must be filed electronically through DEEP's e-Filing system known as ezFile. Additional information can be found on-line at: [Construction Stormwater GP](#).

### **Solid Waste Disposal**

DEEP performed a high-level review and found that there are no hazardous waste enforcement concerns for this project.

Demolition waste that is not contaminated with asbestos, PCBs, or other materials that require special handling is subject to Connecticut's [solid waste statutes and regulations](#), and must be reused, recycled, or disposed of accordingly. 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. Connecticut's [Comprehensive Materials Management Strategy](#) outlines a goal of 60% recovery rate for municipal solid waste by the year 2024. Part of this effort includes increasing the amount of construction and demolition materials recovered for reuse and recycling in Connecticut. It is recommended 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 the DEEP's [C&D Material Management](#) and [C&D Waste Management Plan](#) web pages.

One way that certain types of construction and demolition waste can be reused is as clean fill. 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 Connecticut General Statutes and section 22a-209-2 of the RCSA. A fact sheet regarding disposal of special wastes and the authorization application form may be obtained at: [Special Waste Fact Sheet](#).

### **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 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. 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: Camille Fontanella