

**STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION  
ENVIRONMENTAL ASSESSMENT CHECKLIST**

**Date:** November 22, 2022

**Project Name:** Replacement of Bridge No. 00162 (I-95 over Metro North Railroad) and Bridge No. 00161 (I-95 over First Avenue) / State Project Number 156-181

**Municipality:** West Haven

**Staff Contact:** Kevin Fleming

**This assessment is being conducted in conformance to the Connecticut Department of Transportation's Environmental Classification Document (ECD) to determine Connecticut Environmental Policy Act (CEPA) obligations.**

**Project Description:**

On September 21, 2021, the Connecticut Department of Transportation (CTDOT) published a Notice of Scoping in the *Environmental Monitor* for the replacement and widening of Bridge No. 00162 to accommodate an additional southbound vehicular lane, as well as reconstructing approximately 2,200 feet of I-95, including the southbound Exit 43 off-ramp. Bridge No. 00162 will be widened to accommodate three 12-foot travel lanes, a 12-foot operational lane, a 16-foot left shoulder, and a 12-foot right shoulder in the southbound direction. The northbound direction will consist of three 12-foot travel lanes, a 16-foot left shoulder, and a 12-foot right shoulder. Since that time, it was determined that in order to address the substandard super-elevation through the curve within the project limits, the roadway reconstruction would need to be extended an additional 800 feet to the west, and the replacement of Bridge No. 00161 (I-95 over First Avenue) would be required as well. Bridge No. 00161 will be raised to provide a minimum 14-foot 6-inch under clearance and the standard super-elevation requirement will be achieved at this location. The reconstructed Bridge No. 00161 will accommodate three 12-foot travel lanes, a 5-foot left shoulder, and a 10-foot right shoulder in the southbound direction. The northbound direction will consist of three 12-foot travel lanes, a 12-foot acceleration lane, a 5-foot left shoulder, and a 10-foot right shoulder. The updated project scope was published in the *Environmental Monitor* on May 3, 2022, and this environmental assessment checklist reflects the updated/expanded project scope from that latest posting.

CTDOT received comments from two State agencies – the CT Department of Energy and Environmental Protection (CTDEEP) and the Connecticut Department of Public Health (DPH). Comments were also received from the public at the initial public scoping meeting and during the initial comment period. No additional public comments were received during the expanded project scoping period. Comments received at the meeting, and CTDOT responses, are included in the report of meeting in the post scoping notice. The public comments/questions received outside of the public meeting were generally questions regarding potential noise impacts. One question was received regarding any concerns over hazardous materials. All questions/comments are addressed in the appropriate sections below.

The proposed action is non-site specific, or encompasses multiple sites;

Current site ownership:

- N/A,  State;  Municipal,  Private,  
 Other: Please Explain.

Anticipated ownership upon project completion:

- N/A,  State;  Municipal,  Private,  
 Other: Please Explain.

### 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;
- Storm Surge 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).

### **Regulations of Connecticut State Agencies (RCSA) Section 22a-1a-3 Determination of Environmental Significance (Direct/Indirect)**

#### **1. Impact on water quality, including surface water and groundwater**

**Water Quality** – No negative impacts are anticipated. All CTDOT projects must conform to the CTDOT Standard Specifications for Roads, Bridges, Facilities, and Incidental Construction Form 818. Section 1.10.03, Environmental Compliance, specifically deals with water pollution control and Best Management Practices (BMP). A Water Quality Certificate from CTDEEP pursuant to Section 401 of the Clean Water Act will be obtained.

**Surface Water** – No negative impacts are anticipated. Coordination with CTDEEP will continue.

**Stormwater** - No negative impacts are anticipated as Best Management Practices will be employed regarding stormwater management. Registration under CTDEEP's *General Permit for Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities* will be completed if required. Any CTDOT project that changes impervious area, stormwater drainage or drainage patterns pre to post construction shall meet the requirements of the CTDEEP's General Permit for the Discharge of Stormwater from Department of Transportation Separate Storm Sewer Systems (DOT MS4 Permit) and submit a CTDOT MS4 Designer Worksheet.

**Groundwater** – No negative impacts are anticipated. All CTDOT projects conform to the CTDOT Standards Specifications for Roads, Bridges, Facilities and Incidental Construction Form 818. Section 1.10.03, Environmental Compliance, specifically deals with water pollution control and Best Management Practices. As design progresses, a testing plan will be developed to assess soil and groundwater in any moderate- to high-risk areas within which intrusive construction activities are proposed. Remediation measures will be put in place to mitigate potential impacts if contaminated soils or groundwater is confirmed by the testing.

- 2. Effect on a public water supply system** - No negative impacts are anticipated. The project is not located within a source of public drinking water as indicated in comment submitted by the CT Department of Public Health (DPH), dated July 6, 2022.

- 3. Effect on flooding, in-stream flows, erosion or sedimentation:**

**Flooding** – Although the project is located within a FEMA-mapped flood zone, no negative impacts are anticipated. Flood Management Certification will be obtained.

**In-stream flows** – No negative impacts are anticipated. Coordination with CTDEEP will continue.

**Erosion or Sedimentation** – No negative impacts are anticipated. All work will be consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.

- 4. Disruption or alteration of an historic, archaeological, cultural, or recreational building, object, district, site or its surroundings** – No negative impacts are anticipated. Qualified cultural resources staff at CTDOT conducted background research and reviewed the project scope. A review of records maintained by the CTSHPO and the "Final List of Nationally and Exceptionally Significant Features of the Federal Interstate Highway System" determined that Bridge No. 00161 and 00162 are not potentially eligible for listing in the National Register of Historic Places, and it has been determined that there is minimal foreseeable potential to impact intact archaeological resources within the project area. As such, it has been determined that the project will result in No Adverse Effect to Historic Properties.
- 5. Effect on natural communities and upon critical species of animal or plant and their habitat; interference with the movement of any resident or migratory fish or wildlife species** – No negative impacts are anticipated. The project is not located within a Natural Diversity Database (NDDB) area. In August 2021 CTDEEP Fisheries performed a review and provided information on

Club Creek, which is a small tidal tributary of the West River in West Haven. CTDEEP Fisheries provided information on potential species in the Creek and suggested design components. CTDOT will continue to work with CTDEEP Fisheries as the project progresses through the design/build process.

- 6. Use of pesticides, toxic or hazardous materials or any other substance in such quantities as to create extensive detrimental environmental impact** – No negative impacts are anticipated. Should there be sites with known contamination issues in vicinity of the project, additional study will be performed within the project area and/or adjacent right-of-way. As design progresses, a testing plan will be developed to assess soil and groundwater in any moderate- to high-risk areas within which intrusive construction activities are proposed. Remediation measures will be put in place to mitigate potential impacts if contaminated soils or groundwater is confirmed by the testing. If needed, registration under the CT DEEP’s *General Permit for Contaminated Soil and/or Sediment Management* (Staging & Transfer) will be obtained, and soil management will be conducted in accordance with the General Permit.
- 7. Substantial aesthetic or visual effects** – No negative impacts are anticipated.
- 8. Inconsistency with (a) the policies of the State Plan of Conservation and Development developed in accordance with Section 16a-30 of the CT General Statutes, (b) other relevant state agency plans, and (c) applicable regional or municipal land use plans** – This project is consistent with the Statewide Plan of Conservation and Development. CTDOT has adopted a programmatic approach for meeting the requirements of CGS Chapter 297 Section 16a-31(a) and Chapter 297 Section 16a-35(c) and 16a-35(d) for determining consistency of proposed actions with the Statewide Plan of Conservation and Development, as indicated in a memo from CTDOT to OPM. As indicated in that memo, CTDOT has characterized this project type under the category “Renovations for Safety, No significant Capacity Improvement”. It is CTDOT’s interpretation that this category of activities is consistent with the Plan through Growth Management Principle (GMP) #1 (Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure), and GMP #5 (Protect and Ensure the Integrity of Environmental Assets Critical to Public Health and Safety), specifically the State policy “Ensure the safety and integrity of existing infrastructure over its useful life through the timely budgeting for maintenance, repairs and necessary upgrades”.
- 9. 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** – No negative impacts are anticipated. This project is not in conflict with any municipal or regional plans. Furthermore, the project will not result in community division.
- 10. Displacement or addition of substantial numbers of people** – No negative impacts are anticipated. This project does not involve the displacement or addition of people.
- 11. Substantial increase in congestion (traffic, recreational, other)** – No negative impacts are anticipated. The project once complete will reduce congestion. If needed, CTDOT will coordinate with the Municipality as the project progresses regarding any potential detours during construction.

- 12. A substantial increase in the type or rate of energy use as a direct or indirect result of this action** – No negative impacts are anticipated. No new construction of any buildings is proposed. The project is not anticipated to result in any change to land use or traffic conditions that would impact energy use.
- 13. The creation of a hazard to human health or safety** – No negative impacts are anticipated. The project will be reviewed for the potential of having lead, asbestos, or other hazardous material constituents in existing infrastructure components. Testing will be performed on any suspect materials. Should the presence of hazardous materials be confirmed through the testing, specifications to properly handle and dispose the hazardous materials will be incorporated into the design to mitigate potential impacts to human health or safety. Therefore, impacts associated with hazardous materials or waste sites are not anticipated.
- 14. Effect on air quality** - No negative impacts are anticipated. The project is located within the boundaries of the portion of the state that has been classified as attainment for carbon monoxide (CO), attainment maintenance for PM 2.5, non-attainment for Ozone, and attainment for PM 10. A project level Air Quality Conformity Determination is not required, nor is an analysis or discussion of Mobile Source Air Toxics, as this project is exempt under the Clean Air Act. Any potential temporary impacts during construction can be avoided or limited by proper operation of construction equipment and adherence to regulations limiting idling of engines.
- 15. Effect on ambient noise levels** - No negative impacts are anticipated. The proposed project will not halve the distance to any sensitive receptors in the area. Furthermore, the length of the proposed auxiliary lane does not meet the minimum length required to perform a noise study. Therefore, the project meets the criteria for a Type III project established in 23 CFR 772, and requires no analysis for highway traffic noise impacts. Any noise impacts during construction will be temporary and will be minimized to the best extent practicable by compliance with CTDOT Standard Specifications for Roads, Bridges, Facilities and Incidental Construction Form 818 regarding construction noise pollution:
- “1.10.05 – Noise Pollution: The contractor shall take measures to control noise intensity caused by his construction operations and equipment, including but not limited to equipment used for drilling, pile driving, blasting, and excavating or hauling. All methods and devices employed to minimize noise shall be subject to continuing approval of the Engineer. The maximum allowable level of noise at the nearest residence or occupied building shall be 90 decibels on the “A” weighted scale (dB(A)). Any operation that exceeds this standard will cease until a different construction methodology is developed to allow work to proceed within the 90-dB(A) limit.”*
- 16. Effect on existing land resources and landscapes, including coastal and inland wetlands** –The project does involve minor impacts to wetlands and will require a CTDEEP Pre-Construction Notification, and United States Army Corps. Of Engineers (USACE) Section 404 Permit Pre-Construction Notification. Coordination with CTDEEP and USACE will ensure no more than minimal impacts to wetlands will result as a result of the proposed project.
- 17. Effect on agricultural resources** – No impacts.

- 18. Adequacy of existing or proposed utilities and infrastructure** – No negative impacts are anticipated.
- 19. Effect on greenhouse gas emissions as a direct or indirect result of the action** – No negative impacts are anticipated. Construction phase impacts on greenhouse gas emissions will be limited. Any potential temporary impacts during construction can be avoided or limited by adherence to regulations limiting idling of engines.
- 20. Effect of a changing climate on the action, including any resiliency measures incorporated into the action** – No negative impact is anticipated.
- 21. Any other substantial effect on natural, cultural, recreational, or scenic resources-** No other substantial effects are anticipated.
- 22. Cumulative effects** – This project does not involve any cumulative effects that have the potential for significant effects on the environment.

#### **Anticipated Permits**

USACOE Section 404 Permit – Pre-Construction Notification  
CTDEEP Pre-Construction Notification, USACE General Permit for CT (w/ 401 Water Quality Certification)  
CTDEEP Flood Management Certification  
CTDEEP General Permit Registration for Water Resources Construction Activities  
CTDEEP General Permit for Coastal Maintenance  
Stormwater Permit

#### **Conclusion:**

After examining any potential environmental impacts and reviewing all comments received, CTDOT has concluded that the preparation of an Environmental Impact Evaluation (EIE) will not be required for : Replacement of Bridge No. 00162 (I-95 over Metro North Railroad) and Bridge No. 00161 (I-95 over First Avenue). Publication of this document to the Environmental Monitor shall satisfy the agency's responsibilities under Section 22a-1a-7 of the RCSA.

During the comment period, CTDOT received comments from two State agencies – CTDEEP, and DPH. Additionally, CTDOT received comments from the public at the scoping meeting and during the initial scoping period. No additional public comments were received during the expanded project scoping period. Comments received at the meeting, and CTDOT responses, are included in the report of meeting within the post scoping notice. The public comments/questions received outside of the public meeting were generally questions regarding potential noise impacts. One question was received regarding any concerns over hazardous materials. All questions/comments are addressed in the corresponding sections above, where appropriate.

## **Connecticut Department of Energy and Environmental Protection**

### **Fisheries Division**

CTDOT provided preliminary plans to CTDEEP Fisheries for consultation. In August 2021, Fisheries staff provided information on Club Creek, which is a small, tidal tributary of the West River in West Haven. No fisheries data is available here, but it likely contains populations of American eel, banded killifish, mummichog, fourspine stickleback and sheepshead minnow. Fisheries recommends that the outfall from the First Avenue drainage pipe should be designed to minimize erosion and turbidity in Club Creek.

### **Natural Diversity Database**

NDDDB and Fisheries reviewed the project in 2021. At the time it was noted that the project was close to, but not in an NDDDB review area. A “no conflict” determination was provided, based on feedback from fisheries. NDDDB has not been notified of this change of scope, however, even with the extended project area, it is still not located in an NDDDB review area.

### **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. 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.

### **Solid Waste Disposal**

DEEP performed a high-level review and found that there are no hazardous waste concerns for this project. Demolition waste that is not contaminated with asbestos, PCBs, or other materials that require special handling is subject to CT’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 best extent possible. Waste management plans are encouraged to help meet the State’s reuse and recycling goals. It is recommended that contracts be awarded to companies who present a sufficiently detailed construction/demolition waste management plan for recycling.

Once way that certain types of construction and demolition waste can be reused is as clean fill. Clean fill can be used on site or at appropriate off-site locations. Land-clearing debris and waste other than clean fill resulting from demolition activities is considered bulky waste and must be disposed of at a permitted landfill or other solid waste processing facility.

### **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. 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. 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.

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).

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.

### **Air Management**

CTDEEP typically encourages the use of newer off-road construction equipment that meets the latest (EPA) or California Air Resources Board (CARB) standards. If that 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 encourages the use of newer on-road vehicles that meet either the latest EPA or 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 RCSA limits the idling of mobile sources to three (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.

### **Connecticut Department of Public Health**

The Drinking Water Section of DPH has reviewed the project for potential impacts to any sources of public drinking water supply. This project does not appear to be in a public water supply source – no further comments.