



To: William Wallach, Department of Economic and Community Development

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Subject: Scoping Notice for the Webster Block Project, 55 Martin Luther King Jr. Drive, Norwalk

The Department of Energy and Environmental Protection (DEEP) has received the Notice of Scoping for the use of Municipal Brownfield Grant funding for remediation of the contaminated soil on a 4.97-acre city-owned parking lot. The site will be remediated and developed for mixed income residential units, commercial space, and parking.

The following comments are submitted for your consideration.

Remediation Division

After reviewing the application, it appears the property is planning on entering the Voluntary Remediation Program which will require any remedial cleanup to be overseen by a License Environmental Professional (LEP). The redevelopment is planned to be mix-residential use therefore the remediation must be to residential standards in accordance with CGS 22a-133k-1 through 3 of the Remediation Standard Regulations (RSRs). The LEP will determine specific provisions within the RSRs that will be used to achieve a residential remedial cleanup. If the LEP is going to use an exemption or variance that requires Commissioners approval the request shall be submitted on a form prescribed by the Commissioner and include all eligibility requirements in accordance with the RSRs. Please contact Kevin Neary in the Remediation Division at kevin.neary@ct.gov or 860-424 - 3947 with any questions.

Natural Diversity Database

Staff reviewed this location and found that the site is located in a Natural Diversity Database Area. Please review the [Requests for Natural Diversity Database webpage](#) for instructions on using DEEP's electronic filing process. A cursory review showed there is an inactive peregrine nesting site in the vicinity, but no issues or concerns are expected from the review process. Please contact Robin Blum with any questions at Robin.Blum@ct.gov.

Water Planning and Management: Watersheds

From a watershed perspective, water resource concerns regarding the above referenced project revolve primarily around stormwater emanating from the site. The management and treatment of both stormwater quantity and quality are of particular interest with regard to preventing, eliminating, and/or reducing impacts to nearby waterbodies, specifically Norwalk Harbor and Long Island Sound. The property is located within the Norwalk River Regional Drainage Basin and drains to Norwalk Harbor which is approx. 0.25 miles away. Norwalk Harbor is an estuary of Long Island Sound. This segment of Norwalk Harbor has been assessed for water quality and has been found to be not supporting (impaired) for aquatic life, recreation, and shellfish, as listed in the [2022 CT DEEP](#)

[Integrated Water Quality Report to Congress](#) (see Appendix A, p. 31). CT DEEP developed A Statewide Total Maximum Daily Load (TMDL) Analysis for Bacteria for Impaired Waters (2012) which includes an appendix for Norwalk Harbor: Estuary 1: Norwalk which can be found at: [CT Statewide Bacteria TMDL](#) regarding elevated bacteria levels which are impacting recreation and commercial shellfish. In addition, a Norwalk River Watershed-Based Plan (2011 update to 1998 Plan) was developed under the leadership of the former South Western Regional Planning Agency, to address potential sources of nonpoint pollution contributing to identified water quality impairments and provide recommendations for addressing these impairments. The City of Norwalk was involved in the formation of this plan which can be found at: [norwalkwatershedplanfinalpdf.pdf \(ct.gov\)](#).

DEEP staff recommend working with the Remediation Division, Permitting & Enforcement Division – Stormwater, and a Licensed Environmental Professional to develop solutions for managing and treating stormwater using best management practices, given the potential contamination. Please contact the Water Planning & Management Division - Watersheds with any questions and concerns, or for more information on water quality for this area, at DEEP.Watershed@ct.gov.

Stormwater Management during Construction

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 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. For further information, contact the division at 860-424-3025 or DEEP.StormwaterStaff@ct.gov. The construction stormwater general permit registrations must be filed electronically through DEEP's [ezFile Portal](#). Additional information can be found on-line at: [Construction Stormwater GP](#).

Solid Waste Disposal

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: Eric Hammerling