

**To:** Eric McPhee, Department of Public Health  
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**Date:** 1/19/2021

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**Subject:** Scoping Notice for Batterson Park Water Main Extension, New Britain

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The Department of Energy and Environmental Protection (DEEP) has received the Notice of Scoping for the project proposed by the Department of Public Health to provide the New Britain Water Department with financial assistance for the Batterson Park Water Main Extension project. The project proposes to install 2300 linear feet of 12-inch diameter ductile iron pipe within the Batterson Park Road right of way.

#### **Hydrostatic Pressure Testing Wastewater Discharge**

This project will produce discharges of hydrostatic pressure testing wastewater during the installation and testing of the water main. This type of discharge is generally clean water depending on the source of the water used for testing. If potable water is used for testing, the hydrostatic pressure testing wastewater discharge should meet the definition of “potable water system maintenance or sampling wastewaters” as defined in the general permits.

There are two methods by which this wastewater could be permitted to be discharged as long as the wastewater meets the eligibility requirements outlined in the permits. The first involves use of the *Comprehensive General Permit for Discharges to Surface Water and Groundwater* (Comprehensive GP). “Potable water system maintenance or sampling wastewaters” is defined in the Comprehensive GP. No registration is required for the discharge (indicated by Table 4.1 on page 15 of 63 of the Comprehensive GP), but sections 5(a) (3) (O) and (P) of the Comprehensive GP provide specific conditions for discharges of this type of wastewater to surface water and groundwater.

The second method by which this wastewater could be permitted to be discharged is through the *General Permit for Discharges from Miscellaneous Industrial Users* (MIU GP). The MIU GP only authorizes discharges to the sanitary sewer. Discharges with maximum daily flows more than or equal to 5,000 gpd require submittal of a Notification Form *to the local POTW* prior to discharge initiation. No registration is required to be submitted to DEEP. The MIU GP exempts such discharges from monitoring, unless otherwise directed by the POTW Authority, provided the discharge is in compliance with the effluent limits in the MIU GP.

Any wastewater produced by the cleaning of the pipes before the hydrostatic testing of the pipes cannot be discharged to the groundwater or surface water and must be discharged to the sanitary sewer under the MIU GP. Questions can be directed to Don Gonyea, [donald.gonyea@ct.gov](mailto:donald.gonyea@ct.gov); or Jim Creighton, [james.creighton@ct.gov](mailto:james.creighton@ct.gov).

### **PCBs**

Pre-existing pipes may contain PCB contamination in caulk joints and paint. Care must be taken to properly identify and manage this material when discovered. For further information, contact the Bureau of Materials Management & Compliance Assurance, PCB Program at 860-424-3368. Additional information is also available on-line at: [PCB Program](#).

### **404/ 401 Water Quality Certification**

It is unknown whether the pipes will be installed under the roadway or shoulders, with no direct wetland impacts. If there are any undeveloped areas within the area to be impacted, it is recommended that a certified soil scientist perform a reconnaissance of the site in order to determine whether there are any areas which would be regulated as wetlands or watercourses as defined by section 22a-38 (15) and (16) of the CGS, respectively. If the reconnaissance identifies regulated areas, they should be clearly delineated. Any activity within federal 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 on-line at [401 Certification](#).

### **Stormwater Management during Construction**

Stormwater discharges from construction sites where one or more acres are to be disturbed, regardless of project phasing, require a permit from the Permitting & Enforcement Division. The *General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities* (DEEP-WPED-GP-015) will cover these discharges.

The construction stormwater general permit dictates separate compliance procedures for Locally Approvable projects and Locally Exempt projects (as defined in the permit). Locally Exempt construction projects disturbing over 1 acre must submit a registration form and Stormwater Pollution Control Plan (SWPCP) to DEEP. Locally Approvable construction projects with a total disturbed area of one to five acres are not required to register with DEEP 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 to DEEP. This registration shall include a certification by a 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. The SWPCP for Locally Approvable projects is not required to be submitted to DEEP unless requested. For further information, contact the division at 860-424-3018. A copy of the general permit as well as registration forms may be downloaded at: [Construction Stormwater GP](#).

### **Natural Diversity Database**

The Natural Diversity Database is a record of state or federal listed species maintained by the Wildlife Division that may be found in the project area. A cursory review shows that a portion of Batterson Park Road falls within the boundaries of the Natural Diversity Database. Please be advised that should state permits be required, a formal application may need to be sent to the Wildlife Division prior to submitting permit applications for a detailed review of the species that may occur in this area. The applicant must submit a *Request for Natural Diversity Data Base (NDDDB) State Listed Species Review Form* (DEEP-APP-007) and all required attachments, including maps, to the NDDDB for further review. Additional information concerning NDDDB reviews and the request form may be found on-line at [NDDDB Requests](#).

### **Idling**

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.

### **Clean Vehicles**

DEEP typically recommends 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 recommends 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. The use of newer vehicles that meet EPA standards would eliminate the need for retrofits.

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: Robert Hannon, DEEP/ OPPD