



To: Eric McPhee, Department of Public Health, Drinking Water Section

From: Linda Brunza, Environmental Analyst

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Subject: Scoping Notice for the Cedar Heights Water Main Interconnection Construction, Brookfield, Danbury

The Department of Energy and Environmental Protection (DEEP) has reviewed the scoping notice for Aquarion Water Company to construct a 4,430-foot water main extension connecting the New Milford Regional water system to the Cedar Heights water system. This connection will eliminate existing water quality concerns, increase capacity, improve reliability, and ensure an adequate margin of safety for the Cedar Heights system. The extension is proposed along Nabby Road in Brookfield, North Nabby Road in Danbury, and part of Forty Acres Mountain Road in Danbury.

The following comments are submitted for your consideration.

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. After a review of the location of this project, it may be in a Natural Diversity Database Area. If state permits are required, then 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](#). Please contact Robin Blum with any questions at Robin.Blum@ct.gov or 860-424-4137.

Fisheries Division

DEEP's Fisheries Division has reviewed the scoping notice for any disturbances to waterbodies. Since the project is in the early stages and there are no detailed plans to review, Fisheries stated that any concerns will be addressed by the implementation of proper erosion and sediment controls throughout the duration of this project. Please contact Shalyn Zappulla with any questions at Shalyn.Zappulla@ct.gov.

Water Diversion

The scoping notice was reviewed by the Water Planning and Management Division. Transfer of water from one distribution system to another where the combined maximum withdrawal from any source supplying the system or interconnected systems exceeds 50,000 gallons during any twenty-four-hour period is a regulated activity under the Connecticut Water Diversion Policy Act *CGS Sec. 22a-377(c)-7(4)*. As the supplying system's sources exceed 50,000 gpd this proposed activity would be regulated. However, there is a regulatory exemption provided for the "transfer of up to 50,000 gallons of water in any twenty-four hour period from one distribution system or service area to another distribution system or service area, or installation of capacity to transfer such water, provided the quantity of water withdrawn from any source does not exceed the quantity authorized pursuant to any applicable permit issued or registration filed under section 22a-368 of the Connecticut General Statutes." Given that the total water supply demands of the Cedar Heights system currently appear to be below this

50,000 gpd threshold as documented in approved planning documents, it appears that any interconnection supplementing this system would be exempt from permitting under the CWDPA. At any time should actual transfers exceed 50,000 gpd, contact DEEP's Water Quantity Unit at 860-424-3020 to discuss permitting needs. Please contact Doug Hoskins with any questions at Doug.Hoskins@ct.gov, or 860-424-4192.

Hydrostatic Pressure Testing Wastewater Discharge

Hydrostatic pressure testing wastewater discharges resulting from this project are authorized as "potable water system maintenance wastewaters" under DEEP's [General Permit for Discharges from Miscellaneous Industrial Users](#) (MIU GP, for wastewater discharges to a sewage treatment plant, preferred) or the [Comprehensive General Permit for Discharges to Surface Water and Groundwater](#) (Comprehensive GP).

The MIU GP became effective October 31, 2020 and states that dischargers now send their notification to the applicable Publicly Owned Treatment Works (POTW also known as sewage treatment plant) that is receiving the wastewater. The MIU GP requires notification to the applicable POTW Authority for the discharge of "potable water system maintenance or sampling wastewaters" if the discharge of the "potable water system maintenance wastewaters" will be greater than 5000 gallons per day. Whether the discharge requires notification to the receiving POTW or not, operating conditions located at Appendix H (5) on page 66 of the MIU GP must be followed.

If sanitary sewer is not available in the area, the discharger can use the Comprehensive GP for a discharge to the ground or a surface water. Registration of "potable water system maintenance or sampling wastewaters" is not required in the Comprehensive GP if certain operating conditions in the permit are followed. In the Comprehensive GP, those conditions are located on page 28 at Section 5(a)(3)(O) for discharges to surface water and on page 29 at Section 5(a)(3)(P) for discharges to groundwater.

The Miscellaneous and Comprehensive General Permits are administered by the Water Permitting and Enforcement Division of DEEP's Bureau of Materials Management and Compliance Assurance. Forms for these permits are available at [Water Discharge Permits and General Permits \(ct.gov\)](#). A general permit sets terms and conditions for conducting an activity which are protective of the environment. Questions can be directed Jim Creighton, 860-424-3681, James.Creighton@ct.gov.

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.

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](#).

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