

To: Eric McPhee, Department of Public Health
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From: Linda Brunza- Environmental Analyst

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Date: 12/21/2022

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Subject: Scoping Notice for a waterline extension from Winsted to Barkhamsted

The Department of Energy and Environmental Protection (DEEP) has received the Notice of Scoping for the project proposed by the Department of Public Health (DPH) to provide financial assistance under the 2022 STEAP grant (Small Town Assistance Program) to extend waterlines from Winsted to Barkhamsted. The lines will provide water to a shopping center, homes along Old North Road, and to affordable housing once constructed.

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. A cursory review shows that although the property is not within a Natural Diversity Database area, there are known northern spring salamander occurrences in the larger vicinity. A formal NDDB review is not required, but a review is recommended to alleviate any concerns on potential impacts to this species. Additional information concerning NDDB, and the request form, may be found on-line at [NDDB Requests](#).

Water Diversion

DEEP staff consulted DPH on the maximum transfer of water in the agreement between Winsted and Barkhamsted, which is 100,000 gallons per day. Even though this capacity exceeds the threshold of 50,000 gpd under the Water Diversion Policy Act, the proposed water main is exempt from regulation pursuant to Sec. 22a-377(b)-1(a)(5) as an extension of a water main within a service area. The extension as proposed falls within Winsted's service area as delineated on a service area map contained within their 2007 water supply plan which further qualifies them pursuant to 22a-377(b)-1(b)(2). Please contact Doug Hoskins in the Water Planning and Management Division with any questions at Douglas.Hoskins@ct.gov, or 860-424-4192.

Sec. 22a-377(b)-1(a)

(5) Diversion of water, or increase in the capacity to divert water, incidental to providing water treatment, extending distribution mains, or maintaining or expanding service within a service area, provided the quantity of water withdrawn from any source does not exceed the quantity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.

Sec. 22a-377(b)-1 (b) As used in subsections (a)(5) and (a)(6) of this section, "service area" includes:

(1) a service area identified in any applicable permit issued by the Commissioner pursuant to sections 22a-365 to 22a-378, inclusive, of the Connecticut General Statutes, a service area identified in any registration filed under section 22a-368 of the Connecticut General Statutes, or a service area determined by the Commissioner to have been identified in any such registration based on clear and convincing evidence in the registration documentation filed pursuant to section 22a-368 of the Connecticut General Statutes;

(2) an existing or five-year planning period service area identified in a water supply plan submitted on or before October 1, 2016 in accordance with section 25-32d of the Connecticut General Statutes;

(3) an exclusive service area identified on the following labeled maps, which the Department of Energy and Environmental Protection shall make available on its Internet website and which shall also be made available at the Department of Energy and Environmental Protection, Division of Water Planning and Management, 79 Elm Street, 2nd floor, Hartford, Connecticut during regular business hours:

(A) Title: Western PWSMA Overview; Subtitle: Western Connecticut Water Supply Assessment; Sheet: Appended Figure 2; Date: October 31, 2016;

(B) Title: Central PWSMA Overview; Subtitle: Central Connecticut Water Supply Assessment; Sheet: Appended Figure 2; Date: October 28, 2016; or

(C) Title: Eastern PWSMA Overview; Subtitle: Eastern Connecticut Water Supply Assessment; Sheet: Appended Figure 2; Date: November 4, 2016; or

(4) a water supply company's service area that may be expanded as a result of the acquisition or takeover of another water supply company, provided the source of water used to serve customers within each service area continues to be the source belonging to the water supply company originally serving each service area.

"Service area" does not include that portion of an exclusive service area expanded after October 1, 2016 pursuant to section 25-33g of the Connecticut General Statutes, except for service areas that may be expanded as described in subdivision (4) of this subsection.

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 \(ct.gov\)](http://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.

Fisheries Division

In the absence of detailed plans, the concerns would depend on the chosen technique for extending the water pipe across the unnamed stream that flows into Mallory Brook, a coldwater stream that supports wild brook trout.

Proper erosion and sedimentation control best management practices should be instituted throughout the duration of this project. Care should be exercised so as not to increase turbidity levels within this unnamed stream. As a best management practice, any unconfined instream work should be restricted to the period from June 1 to September 30, inclusive. Please contact Shalyn Zappulla with any questions at Shalyn.Zappulla@ct.gov.

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.

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 Water 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 Chris Stone at Chris.Stone@ct.gov.

A copy of the general permit as well as registration forms may be downloaded at: [Construction Stormwater GP](#).

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: Camille Fontanella, DEEP