

<b>PETITION NO. 548</b> - Yankee Gas Services Company petition	}	Connecticut
for a declaratory ruling that no Certificate of Environmental	}	
Compatibility and Public Need is required for the construction,	}	Siting
operation, and maintenance of a distribution line in Southington,	}	
Berlin, and Meriden, Connecticut.	}	Council
	}	
	}	July 11, 2002

**Decision and Order**

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) believes that the following conditions, Development and Management (D&M) Plan, construction techniques, schedule and submittal of permits will mitigate much of the effects associated with the construction, operation and maintenance of the Yankee Gas natural gas pipeline, including effects to the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife. The effects are not excessive either alone or cumulatively with other effects, need not be in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny this petition, and the location of the pipeline would not pose an undue hazard to persons or property traversed by the line.

The pipeline shall be constructed, operated, and maintained substantially as proposed in this petition subject to the following conditions, D&M Plan, specified pipeline route, construction techniques, schedule and submittal of permits.

**I. Conditions**

1. The temporary workspace along the pipeline should be limited to the minimum width possible, but shall not exceed 55 feet in upland areas, and 45 feet in wetland areas. The permanent right-of-way shall not exceed 20 feet in upland areas, 30 feet in the joint utility corridor and 20 feet within regulated wetlands.
2. Before crossing roadways, the petitioner shall contact the appropriate departments of public works to coordinate construction and traffic management, and the Call Before You Dig Program to identify buried utilities.
3. The petitioner shall not conduct vegetative maintenance between the period of May 1 and August 1, and no more than once every 3 years to protect nesting songbirds.
4. No storage of hazardous materials, chemicals, fuels, oils, or cement shall be allowed within 100 feet of any watercourse or wetland.
5. All wetland areas along the pipeline route shall be clearly indicated on the construction plans and clearly indicated by flagging in the field.
6. All excess trench spoils shall be properly handled or disposed of at an approved landfill, sold, or given to the landowner whose land is traversed by the pipeline.
7. Vegetation within the permanent right-of-way should be allowed to revegetate naturally.

8. All disturbed areas within the construction right-of-way, but outside of the permanent right-of-way shall be restored to original conditions if requested by the property owner, or revegetated with indigenous plant species, wildlife food species, or soil stabilization species. All restoration methods, vegetation types, maintenance practices, and locations shall be indicated.
9. All construction in wetland and agricultural areas shall be performed on mats, work pads, and/or with low soil compaction equipment.
10. Blasting shall not be performed any closer than 150 feet of any permanent structure or water supply well unless specifically authorized by the Council. Pre-blasting surveys of all foundations within 250 feet of the pipeline shall be conducted.
11. All blasting shall be performed by a licensed contractor under the regulation of the State Fire Marshal. All charges shall employ delayed detonation or other acceptable practices to reduce the total acoustical shock wave intensity. If expansive chemicals are used in place of conventional blasting, details indicating its proposed use shall be provided, including material safety data sheets and the locations of the proposed chemical use.
12. All existing wells within 150 feet of the pipeline should be monitored for blasting effects.
13. The petitioner's claims and insurance department will investigate all disputes and claims of property owners during construction.
14. The petitioner shall use directional boring to cross under the Metacomet Ridge, and provide plans indicating the location of the bore and receiving pits, access roads, and erosion and sediment controls.
15. Unauthorized use of the right-of-way by all-terrain vehicles should be prevented to the maximum extent possible by the installation of gates or other means of blockage.
16. The route of the pipeline along the right-of-way should be appropriately marked after completion of construction.
17. Yankee Gas shall consult the Connecticut Department of Transportation (DOT) to coordinate construction of the pipeline to mitigate impacts on a DOT-designated Recommended State Bikeway Route proposed along Edgewood Road in Berlin.
18. Prior to the commencement of construction, Yankee Gas shall submit a Development and Management Plan to the Council for its approval. The D&M Plan shall be made available to all property owners along the pipeline route and to the Chief Elected Officials of the Towns of Berlin, Southington and Meriden. Yankee Gas may consult with Council staff in the preparation and implementation of the D&M Plan. A hearing will be held on the D&M Plan.
19. Yankee Gas shall provide to the Council for its approval a detailed schedule of all construction and testing activities along the pipeline.
20. When secured, Yankee Gas shall provide the Council with copies of all final local, state, and federal permits relating to construction of the pipeline.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j - 17 of the Regulations of State Agencies.

II. Development and Management Plan

1. A final construction plan which identifies the location of the final route, right-of-way requirements, blasting procedures and locations, proposed hours and days of construction activity, spoil sites, right-of-way access roads, and gate stations. Yankee shall employ an environmental inspector to monitor all work on this project, with required protections of rare, threatened or endangered species or species of special concern encountered during construction, including the Eastern box turtle. The environmental inspector shall provide weekly progress reports to the Council.
2. No construction shall be initiated until a properly designed soil erosion and sedimentation control plan is in effect, consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.
3. A revegetation and vegetation maintenance plan giving preference to indigenous species, species which provide food for wildlife, soil stabilization species, and native wetland species. All vegetation types, planting rates, maintenance practices, and locations shall be determined and specified in consultation with landowners whose property is traversed by the pipeline. Access roads should be curved to avoid direct views of the pipeline.
4. A plan to identify, mark, and protect any unique or specimen trees located in or immediately adjacent to the right-of-way. This plan shall be performed in consultation with landowners whose property is traversed by the pipeline. Reasonable attempts should be made to preserve any large trees in the temporary workspace area which will not otherwise be damaged during project construction. No trees greater than six inches in diameter at breast height shall be removed during the period between May 1 and August 15, to protect a federally-listed species.
5. A plan locating and managing all staging areas and temporary trench spoil areas. All staging areas shall be at least 50 feet from all watercourses and wetland areas and designed to minimize erosion and other effects on watercourses and wetlands. All temporary spoil piles shall be located to the greatest extent practical outside of all watercourses and wetlands and be designed in a manner to minimize erosion and prevent sedimentation to wetland and watercourse areas.
6. A spill prevention, control, and containment plan shall be provided to prevent, control, and contain any spills of fuel, oil, or chemicals in or near aquatic and wetland environments. The plan shall also address and describe the methods of detection, testing, handling, and disposal of spilled waste products and contaminated trench spoils.
7. A plan for fugitive dust control, including proposed methods to control dust generated during construction.
8. A plan identifying the locations and construction processes for narrow permanent access roads, less than 15 feet in width, within sensitive areas including wetland areas, watercourse

- crossings, natural preserves, and areas within close proximity to water supply wells, septic systems, and permanent residential structures.
9. A notification plan to notify landowners whose property or access to property is traversed by the pipeline of the plans for construction, blasting, testing, and operation of the pipeline. All residents who reside on property that is traversed or within 50 feet of the pipeline shall be provided a confirmed minimum notice of 48 hours prior to the commencement of construction and blasting. A dedicated telephone line should be made available to the public and the Council by Yankee Gas to register complaints and concerns.
  10. A plan detailing the method of crossing John Hall Brook and Stocking Brook shall be submitted and include all necessary erosion and sediment control measures. In-stream construction shall be limited to the period of June 1 through September 30 to protect spawning fish.
  11. Yankee Gas shall consult with representatives of the Southington YMCA to prepare a mitigation plan for the clearing, installation, and maintenance of the natural gas pipeline across YMCA property, to include the following elements: restoration of all fences removed during construction; restoration of all existing and future athletic fields, recreation areas, and recreation facilities; restoration of all existing and planned parking lots impacted during construction; protection and restoration of any wetland areas and wetland species which may be impacted by construction; installation of barriers and fencing to prevent unauthorized access by all-terrain vehicles; a review of pipeline safety and leak detection procedures with YMCA staff as requested; restoration of all trees and vegetation removed either by the planting of new trees or transplanting existing trees, as requested by the YMCA; efforts to preserve existing white oaks and other trees wherever possible; and a contact person and telephone number YMCA representatives can use to address any safety or health concerns during or after construction.
  12. The plans for the gate stations shall include the following elements: the locations of proposed access roads; placement of the gate stations in locations which are as removed from existing and planned residences as possible; locations of all equipment, buildings and security gates; locations of all fencing and landscaping for maximum visual screening and sound buffering; use of sound mitigation techniques in the selection and use of equipment and building materials; monitoring plans for odor detection, leaks and noise emissions; plans for regular grounds maintenance; security measures to include use of remote sensing and intrusion alarms, regular patrols and inspections of gate stations; prior notification to adjacent residents of scheduled maintenance activities; provisions for the securing of all gates, equipment and supplies; and a 24-hour emergency response telephone number provided to the public for the reporting of all odors, leaks, and intrusions.
  13. The Council should be notified of any changes to the Development and Management Plan within 24 hours of their occurrence.