



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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CERTIFIED MAIL RETURN RECEIPT REQUESTED

September 2, 2016

Philip M. Small, Esq.
Brown Rudnick LLP
185 Asylum Street
Hartford, CT 06103

RE: **PETITION NO. 1249** - Iroquois Gas Transmission System, L.P. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the planned addition of a launcher and a mainline valve along the existing Iroquois pipeline right of way located off of Canterbury Lane in Newtown, Connecticut, and an above ground receiver and fuel cell generator to power the cathodic protection system along the existing Iroquois pipeline right of way located off of Stonebridge Trail in Newtown, Connecticut.

Dear Attorney Small:

At a public meeting held on September 1, 2016, the Connecticut Siting Council (Council) considered and ruled that Federal agencies have exclusive jurisdiction over the proposed project, and therefore, pursuant to Connecticut General Statutes § 16-50k(d), the Council lacks jurisdiction to issue a Certificate of Environmental Compatibility and Public Need for the Project. The Council also finds that notwithstanding federal preemption, Federal Energy Regulatory Commission (FERC) regulations provide for the participation of interested parties in FERC certification proceedings and State agencies, such as the Council, may intervene as a matter of right.

Consistent with FERC's encouragement to cooperate with state and local officials, Iroquois has filed with the Council detailed information regarding the proposed project to provide the Council with the opportunity to make recommendations to FERC and Iroquois regarding siting, environmental mitigation measures and construction procedures. The Council has reviewed such materials and will be submitting recommendations to FERC as noted in the staff report.

Enclosed for your information is a copy of the staff report on this project.

Very truly yours,

Robert Stein
Chairman

RS/CW/cm

Enclosure: Staff Report dated September 1, 2016

c: Secretary of the State (via e-mail service)
The Honorable E. Patricia Llodra, First Selectman, Town of Newtown
George Benson, Director of Planning and Land Use, Town of Newtown



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Petition No. 1249

Iroquois Gas Transmission System L.P.

Newtown, Connecticut

Staff Report

September 1, 2016

Introduction

On August 9, 2016, the Connecticut Siting Council (Council) received a petition from Iroquois Gas Transmission System, L.P. (Iroquois) for a declaratory ruling (Petition) that no Certificate of Environmental Compatibility and Public Need is required for the addition of a launcher and mainline valve along the Iroquois Pipeline off of Canterbury Lane and an above ground receiver along the Iroquois Pipeline on Stone Bridge Trail both in Newtown, Connecticut. The project entails adding to the existing valve sites on the Newtown Loop within Iroquois' existing right-of-way. The project is under the exclusive jurisdiction of the Federal Energy Regulatory Commission (FERC). Iroquois filed the petition to the Council in accordance with a FERC policy requiring applicants to cooperate with state and local agencies in siting pipeline facilities.

Iroquois also provided a copy of the petition to the Town of Newtown. No comments have been received to date.

The proposed launcher, receiver and mainline valve installation is defined by FERC as an "auxiliary installation" and would require no additional approvals from FERC.

Proposed Project

The proposed project would allow Iroquois to inspect its gas pipe internally and enhance the safety of the pipeline. At the site off Canterbury Lane (Site 1), the proposed launcher and mainline valve would require approximately 20,328 square feet of work space with approximately 2,200 square feet of excavation area within the Iroquois easement. The Site 1 work would increase the permanent graveled area by 2,529 square feet. No wetlands or watercourses would be affected by the Site 1 proposal. Access to the site extends from the end of the Canterbury Lane cul-de-sac. The ground surface in the area of project would be gravel and the proposed equipment would be enclosed by a black chain link fence. The Site 1 work would require the removal of approximately 40 trees that were originally planted to screen the facility but the trees would be replaced.

The installation of the receiver site at Stone Bridge Trail (Site 2) would require approximately 18,274 square feet of work space with approximately 3,900 square feet of excavation area. The Site 2 work would increase the permanent graveled area by 2,295 square feet. No tree clearing would be required at Site 2. Access would extend from Stone Bridge Trail. The ground surface in the area of the project and access road would be gravel and the proposed equipment would be enclosed by a fence.

There is a delineated wetland adjacent to the work area at Site 2. A wetland delineation was performed on October 30, 2015 to confirm the boundaries of the known wetland. Most of the proposed work would occur within the 100-foot wetland buffer but no direct impact to the wetland would be expected to occur. Due to the proposed work within the 100-foot upland review area of the wetland, Iroquois requested and received approval from the Newtown Inland Wetlands Commission for installation of the receiver. The Inland Wetlands Commission approval, dated May 3, 2016, included several conditions mostly related to establishment of erosion and sedimentation controls and notification of activities.

Surrounding land uses include residential areas and the Paugussett State Forest.

The proposed project is expected to take approximately eight weeks.

Staff Recommendations

Staff recommends providing the following recommendations to FERC:

1. Use of off-road construction equipment that meets the latest EPA or California Air Resources Board standards, or in the alternative, equipment with the best available controls on diesel emissions, including, but not limited to, retrofitting with diesel oxidation catalysts, particulate filters and use of ultra-low sulfur fuel;
2. Compliance with the provisions of Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies that limit the idling of mobile sources to 3 minutes; and
3. Implement erosion and sedimentation control measures (E&S controls) in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*.