



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

June 29, 2023

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PETITION NO. 1577 - The Connecticut Light and Power Company d/b/a Eversource Energy (Petitioner) petition for a declaratory ruling for the proposed Frost Bridge to Noera Rebuild Project consisting of the replacement and reconductoring of electric transmission line structures along approximately 5 miles of its existing electric transmission line right-of-way (ROW) shared by its existing 115-kilovolt (kV) 1163 and 1550 Lines between Frost Bridge Substation in Watertown to Noera Substation in Waterbury, traversing the municipalities of Watertown, Thomaston, Plymouth and Waterbury, Connecticut, and related electric transmission line and substation improvements.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1577.

1. Best Management Practices

The Petitioner notes that certain project activities would be done in accordance with the Petitioner's April 2022 Construction & Maintenance Environmental Requirements, Best Management Practices Manual for Massachusetts, and Connecticut (BMPs), the vegetation clearing contract, a Stormwater Pollution Control Plan (SWPCP), and other referenced documents. In addition, the Petitioner notes that portions of the project area are near documented state-listed species or significant natural communities and that the Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDDB) program issued a determination with "recommendations and protection strategies" to avoid or minimize impacts to habitats that may support rare species. The Council recommends that the referenced BMPs, the NDDDB determination with the recommendations and protection strategies, and any external environmental quality plans and/or standards, referenced by the Petitioner, be submitted to the Siting Council for inclusion in the record, consideration, and possible incorporation into permits.

2. Wetlands, Watercourses, and Vernal Pools

The Petitioner identified a total of 36 wetlands, 20 watercourses, and seven vernal pools within the project area. The Petitioner notes that one new structure and proposed gravel work pads and access roads would be located in wetlands resulting in approximately 1.5 acres of temporary impacts to wetlands. The Petitioner also notes that existing and proposed work areas and/or access roads would be in close proximity to the seven vernal pools, including two that are characterized as Tier 1 type, and their associated vernal pool envelopes (VPEs). The Council recommends that the Petitioner minimize impacts to wetlands, watercourses and the VPEs, within project area, to the greatest extent possible. In addition, the Council recommends that the Petitioner utilize best development practices¹ in addition to the proposed protective measures, identified in the Petition - Attachment E, within the VPEs. The Council notes that changes in water flow patterns, and depressions caused by construction activities, which could result in a "decoy pool" or "sink" feature, could potentially affect breeding amphibians. Consequently, the Council also recommends that the proposed construction activities not alter the hydrology or create "decoy pools" within the VPEs during amphibian breeding season (approximately March 1 – June 1).

¹ Calhoun, A. J. K. and M. W. Klemens. 2002. Best development practices: Conserving pool-breeding amphibians in residential and commercial developments in the northeastern United States. MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society, Bronx, New York.

The Petitioner notes that temporary staging areas would be selected from available parcels in the vicinity of the project area. The proposed staging area, depicted in Figure 2 of the Petition filing, identifies inland wetlands in the center and southern edge of the proposed staging area. The Council recommends that the Petitioner maintain an appropriate buffer, preferably 100 feet, between the proposed equipment/vehicles and the delineated wetlands within the proposed staging area.

3. Vegetation

The Petitioner notes that approximately 2.5 acres of tree clearing in total is anticipated and the vegetation clearing contractor would be required to use “low-impact” methods to “minimize site disturbance and to protect wetlands, watercourses, vernal pools, and threatened and endangered species and their habitats”. While the Petitioner notes that “low-impact” methods for vegetation clearing would incorporate a variety of approaches, techniques, and equipment to minimize site disturbance, the Petitioner fails to describe what the “low impact” methods are and where the methods might be applied. The Council recommends that the Petitioner minimize the removal of vegetation to the extent practicable, especially within the Mattatuck State Forest and VPEs. In addition, the Council recommends that the Petitioner 1) define/describe the proposed “low impact” methods for vegetation management, 2) depict the areas to be designated for “low impact” methods on the project plans, and 3) that an environmental inspector ensure that the contractor(s) conforms to using such “low impact” methods in the designated areas.

4. Erosion and Sedimentation (E&S) Controls

The Petitioner notes that temporary gravel tracking pads would be installed at points of construction vehicle ingress/egress to minimize the potential for equipment to track dirt onto local roads. The Petitioner also states that “project construction would conform to best management practices for E&S control, including those provided in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (“Connecticut Guidelines”) and the Eversource’s BMPs”. The Council notes the importance of installing and maintaining E&S controls throughout the proposed project and supports the Petitioner’s efforts to minimize erosion and sedimentation within the project area. The Council notes that plastic netting used in a variety of erosion control products has been found to entangle wildlife, including reptiles, amphibians, birds and small mammals. The Council recommends that the Petitioner 1) avoid/minimize the use of E&S control measures that are made of plastic, 2) use E&S control products that avoid/minimize the potential for wildlife entanglement, and 3) consider utilizing updated methods and techniques for minimizing erosion and sedimentation based on the best currently available technology, as identified in the draft Soil Erosion & Sediment Control Guidelines update.

5. Inspections and Education

The Petitioner states that “temporary E&S control measures would be maintained and inspected for the duration of the Project” and that “SWPCP inspections would be performed in accordance with the General Permit requirements”. The Council supports the presence of an environmental inspector who would be available onsite during construction and recommends that inspections be conducted a minimum of weekly and within 24 hours of the end of a storm that generates a discharge that equals or exceeds 0.5 inch. The Council also recommends that the Petitioner expand the inspector’s duties to include, but not limited to: ensuring that the contractor(s) adhere to the protective measures for the state-listed species identified by the NDDB; ensuring that “low impact” vegetation management methods are employed in the designated areas; ensuring compliance with the measures to avoid or minimize the potential impacts to the VPEs; and ensuring that invasive species control methods are implemented to minimize the spread and establishment of invasive species. The Council also recommends that prior to work onsite and initial deployment/mobilization of equipment and materials, the contractor(s) should attend a pre-construction meeting with an environmental inspector to learn about the locations of, and mitigation measures for, protection of wetland and water resources, state-listed species, invasive species control, stormwater management, and vegetation management to better protect environmental resources within and proximate to the proposed work areas.

6. Disposal of Materials

The Petitioner states that the proposed project involves the replacement of one existing double-circuit wood H-frame structure and that “waste materials, such as structure components (i.e., steel from the removed structures, conductor, shield wire, associated hardware, etc.) and any other construction debris would be reclaimed through the Eversource recycle and/or disposed of in accordance with Eversource’s BMPs, applicable regulations or recycled consistent with applicable rules and regulations and Eversource policies.”. The Council supports the Petitioner’s intent to properly manage waste materials but is concerned about the proper disposal of the wood

support structures, which historically were treated with chemicals, including pentachlorophenol - a highly toxic substance. It would be unfortunate if chemically treated wood poles were offered to farms and sawmills for re-use without sufficient disclosure of the hazards of working with such materials. The Council recommends that the Petitioner provide documentation to the Siting Council regarding the method / location of ultimate disposal for the removed wood support structures and any other potentially hazardous materials to ensure the health and safety of the public and the environment.

The Council's comments above address only certain elements of the materials provided by the Petitioner at the time of the filing. Additional information can become evident through comments offered by other parties and during the Siting Council's administrative hearing process. The absence of comment(s) by this Council about any Petition or Application, or any aspects thereof, may not be interpreted as an endorsement of a proposed project, or its components or that this Council might not have comments or concerns on more specific issues raised during the hearing process.

Thank you for your consideration of the Council's comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Aresta". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul Aresta
Executive Director