



STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF ENVIRONMENTAL REVIEW

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To: Maya Loewenberg - Project Manager
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Date: May 14, 2010 **E-Mail:** david.fox@ct.gov

Subject: East Lyme - New London Regional Interconnection Project

The Department of Environmental Protection has completed a Stage I Site Review of the proposed East Lyme - New London Regional Interconnection Project. This project is supported by the Department as a means to resolve long standing water supply issues in the region. The following commentary is submitted for your consideration.

The Natural Resources Conservation Service's Soil Survey depicts several wetland areas that are crossed by the proposed route of the 12" water main. These include wetlands associated with crossings of Latimer Brook and an unnamed tributary by Route 161 and several drainageways leading to Lake Konomoc along Route 85. The route of the pipeline connecting the proposed water storage tank to Route 161 also crosses an unnamed tributary to Latimer Brook. It is unknown whether the main will be installed under the roadway or shoulders, with no direct wetland impacts, or beyond previously filled areas.

Existing wetlands and watercourses along the proposed route should be delineated by a certified soil scientist. Any inland wetlands or watercourses at the site are regulated by the local inland wetlands agency, pursuant to section 22a-42 of the Connecticut General Statutes (CGS). Many local agencies have established setback or buffer areas and require review and approval of activities within these upland areas adjacent to wetlands or watercourses. The local agency should be contacted regarding permit requirements.

In order to protect any wetlands and watercourses adjacent to the site, strict erosion and sediment controls should be employed during construction. The *Connecticut Guidelines for Soil Erosion and Sediment Control* prepared by the Connecticut Council on Soil and Water Conservation in cooperation with DEP is a recommended source of technical assistance in the selection and design of appropriate control measures. The 2002 revised edition of the Guidelines, published as DEP Bulletin 34 may be obtained at the DEP bookstore, either by telephone 860-424-3555 or online at: [DEP Bookstore](#)

Any work or construction activity within federally regulated wetland areas or watercourses along the route may require a permit from the U.S. Army Corps of Engineers pursuant to section 404 of the Clean Water Act or section 10 of the Rivers and Harbors Act. Contact the Corps Regulatory Branch in Concord, Massachusetts at 1-800-343-4789 for further information.

Projects that impact less than 1 acre of inland wetlands may qualify for a programmatic general permit from the U.S. Army Corps of Engineers issued on May 31, 2006. Projects impacting less than 5000 sq.ft. (Category I) regulated by the Department or a municipal wetland agency, are non-reporting to the Corps, provided they meet the conditions of the general permit. For projects impacting more than 5000 sq.ft. of wetlands (Category II), the applicant must send the standard application form to the Army Corps and may not proceed with the project until written notification is received from the Corps. All appropriate state and local permits must be obtained. In addition, the DEP must find, through the Category II Federal/State screening meeting, that any project which impacts more than 5000 sq.ft. of wetlands is likely to have minimal or no impact on water quality. If it is determined that the project is reasonably likely to have more than a minimal impact, an individual section 404 permit and 401 Water Quality Certificate would be required. The Programmatic General Permit for the State of Connecticut may be found on-line at: [Corps PGP](#)

If a permit is required from the U.S. Army Corps of Engineers, a Water Quality Certificate will also be required from the Department pursuant to section 401 of the Clean Water Act. For further information, contact the Inland Water Resources Division (IWRD) at 860-424-3019. A fact sheet regarding 401 Water Quality Certification is available on-line at: [401 Certification](#).

The proposed interconnection will require a permit from the IWRD for the diversion of waters of the State pursuant to section 22a-368 of the CGS. The interconnection and transfer of up to 1,000,000 gallons per day project may qualify for the *General Permit for Diversion of Water for Consumptive Use, Authorization Required Categories* (DEP-IWRD-GP-012). Transfer of no greater than 1,000,000 gallons of water in any twenty-four hour period from one community water system's distribution system or service area to another community water system's distribution system or service area is covered by the general permit, provided that (1) the need for water and long-term availability of supply are consistent with any applicable, approved water supply plan prepared pursuant to section 25-32d of the CGS, and any applicable, approved coordinated water system plan prepared pursuant to section 25-33h of the CGS, and (2) such transfer does not result in an increase in the rate or quantity of withdrawal from the relevant water supply sources in excess the rate or quantity registered with or permitted by the commissioner pursuant to sections 22a-368 or 22a-378a of the CGS. For further information, contact the IWRD at 860-424-3019. Fact sheets regarding IWRD general permit programs and permit application forms can be downloaded at: [IWRD General Permits](#) .

Stormwater discharges from construction sites where one or more acres are to be disturbed require a permit pursuant to 40 CFR 122.26. The Permitting & Enforcement Division has issued a *General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities* (DEP-PERD-GP-015) that will cover these discharges. For projects disturbing five or more acres, registration describing the site and the construction activity must be submitted to the Department prior to the initiation of construction. A stormwater pollution control plan, including measures such as erosion and sediment controls and post construction stormwater management, must be prepared. For sites where more than 10 acres will be disturbed, the plan must be submitted to the Department. A goal of 80 percent removal of total suspended solids from the stormwater discharge shall be used in designing and installing stormwater management measures. For construction projects with a total disturbed area between one and five acres, no registration is required as long as the project is reviewed by the town and receives written approval of its erosion and sediment control measures and it adheres to the

Connecticut Guidelines for Soil Erosion and Sediment Control. If no review is conducted by the town or written approval is not provided, the permittee must register with the Department. For further information, contact the division at 860-424-3018. A copy of the general permit as well as registration forms may be downloaded at: [Construction Stormwater GP](#).

If the water line is to be pressure tested and disinfected, the discharge would be covered by the *General Permit for the Discharge of Hydrostatic Pressure Testing Wastewater* (DEP-PERD-GP-011). This general permit applies to all discharges of waters used to test the structural integrity of new or used tanks and pipelines that hold or transfer drinking water, sewage, or natural gas. The general permit contains pH, chlorine, oil and grease, and suspended solids limits which will need to be complied with during the testing and verified through monitoring. Registration is required to be submitted to the Department in order for the discharges to be authorized by this general permit. A fact sheet, the general permit which includes the registration form, titled Notice of Coverage, and the Application Transmittal form may be downloaded at: [Hydrostatic GP](#)

The Natural Diversity Data Base, maintained by DEP, contains a record of a species listed by the State as threatened, pursuant to section 26-306 of the CGS, in the vicinity of this proposed project. The Tiger Spiketail dragonfly (*Cordulegaster erronea*) occurs in the Latimer Brook area near Silver Falls. The Tiger Spiketail dragonfly is associated with small streams in densely forested ravines. Activities that alter the physical or chemical nature of the aquatic habitat, cause siltation or any source of pollution would be detrimental.

If the habitat for the species will be directly impacted by the project, the DEP Wildlife Division recommends that an invertebrate biologist familiar with the habitat requirements of this species conduct surveys. A survey would not be required if the construction activity is confined to the roadway and previously disturbed shoulder areas. However, strict erosion and sedimentation controls would be essential. A report summarizing the results of any surveys should include habitat descriptions, invertebrate species list and a statement/resume giving the invertebrate biologist's qualifications. The DEP doesn't maintain a list of qualified invertebrate biologists. A DEP Wildlife Division permit may be required by the invertebrate biologist to conduct survey work, and it should be determined if the surveyor has one. The results of this investigation can be forwarded to the Wildlife Division and, after evaluation, recommendations for additional surveys, if any, will be made.

Please be advised that the Wildlife Division has not made a field inspection of the project nor have we seen detailed timetables for work to be done. Consultation with the Wildlife Division should not be substituted for site-specific surveys that may be required for environmental assessments. The time of year when this work will take place will affect these species if they are present on the site when the work is scheduled. Please be advised that should state permits be required or should state involvement occur in some other fashion, specific restrictions or conditions relating to the species discussed above may apply. In this situation, additional evaluation of the proposal by the DEP Wildlife Division should be requested. If you have any additional questions, contact Julie Victoria at 860-642-7239 or julie.victoria@ct.gov. (Please reference NDDB # 17704)

Thank you for the opportunity to review this project. If there are any questions concerning these comments, please contact me at 860-424-4111 or david.fox@ct.gov.

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