

**OFFICE OF ADJUDICATIONS**

**IN THE MATTER OF** : **APPLICATION NO. 200402101-MG**

**UNITED ILLUMINATING/  
CONNECTICUT LIGHT & POWER CO.** : **DECEMBER 15, 2006**

**PROPOSED FINAL DECISION**

**I**

**SUMMARY**

The Connecticut Light and Power Company and United Illuminating Company (applicant/companies) have applied to the DEP Office of Long Island Sound Programs (OLISP) for a permit to conduct activities located waterward of the high tide line and in tidal wetlands.<sup>1</sup> General Statutes §§22a-32 and 22a-361. Specifically, the applicant proposes to conduct work that would affect wetlands and watercourses in association with the construction of approximately sixty-nine miles of overhead and underground 345-kV electric transmission lines extending from Middletown to Norwalk (the project).

The parties in this matter are the applicant, the DEP (OLISP staff) and, three intervenors, the City of Bridgeport, the Town of Fairfield and a group comprised of the Ash Creek Conservation Association, Fairfielders Protecting Land and Neighbors, Inc., and Jane Talamani. The activities related to this application involve installation of the transmission lines across the Housatonic River, Pequonnock River, Saugatuck River, Mill River, Sasco Creek, Yellow Mill Creek, Ash Creek, and Turney's Creek (the crossings).

---

<sup>1</sup> The companies have also applied for a certification that any discharge related to its activities into navigable waters will comply with applicable provisions of the Federal Clean Water Act. 33 USCS §§1341. The certification is not governed by these proceedings, however, the permit issued to the companies would include references, terms and conditions related to the water quality certification.

At the start of this proceeding, the applicant proposed the use of freestanding, independent, utility bridges at the Mill River, Ash Creek and Sasco Creek crossings. The intervenors' participation in this matter is based on their opposition to the use of the utility bridges at these crossing sites. The remaining five crossing sites are the subject of the attached *Stipulation of the Parties of Undisputed Facts Regarding the Housatonic River, Yellow Mill Creek, Pequonnock River, Turney's Creek and Saugatuck River* (Stip. 11/22/06) (Attachment A).

Hearings on the application were held on November 13, 20, 21, 27, 28 and December 4, 2006. Prior to December 4, the Connecticut Department of Transportation (CDOT) advised the applicant that it would allow the cables to be attached to its existing bridges at Mill River and Sasco Creek and installed under its existing bridge at Ash Creek, thereby eliminating the need for the utility bridges. In reliance on the CDOT authorization, the parties submitted the attached *Stipulation of the Parties Regarding the Crossings of Ash Creek, Mill River/Southport Harbor, and Sasco Creek* (Stip. 12/04/06) (Attachment B). OLISP staff has prepared and entered on the record a revised draft permit that reflects the CDOT authorized crossing methods (Attachment C).

I have reviewed the record, the submissions of the parties and the relevant law in this matter. I adopt the parties' stipulations and incorporate them in my findings of fact. To the extent that the parties have included stipulations that reflect legal conclusions, I adopt those as well. I find that this regulated activity, if conducted in accordance with the terms and conditions of the revised draft permit, would comply with applicable statutory and regulatory standards and recommend that the Commissioner issue the requested permit.

## *II*

### *DECISION*

#### *A*

### *FINDINGS OF FACT*

#### *1*

### *The Project*

1. The companies have proposed the installation of electric transmission cables as part of an energy reliability project for southwestern Connecticut. The project includes a sixty-nine mile transmission path with forty-five miles of overhead and twenty-four miles of underground transmission cable constructed along a route determined by the Connecticut Siting Council. The project also includes construction of three new substations and modifications to two existing substations in Middletown and Norwalk. Two of the new substations are located within the coastal boundary but in upland areas that are not adjacent to coastal water. (Ex. DEP-7; test. A. Bartosewicz, 11/20/06, pp. 70-71.)

2. The purpose of the project is to improve the electric system in southwestern Connecticut to meet the standards required by the Federal Energy Regulatory Commission and its New England Independent Service Operator for reliable transmission of electricity within New England. The project requires installing the transmission cable system across several waterways. Eight such waterways are pertinent to this permit application and include the Housatonic, Pequonnock, Saugatuck and Mill rivers, and the Sasco, Turney, Yellow Mill and Ash creeks. (Ex. DEP-7; test. A. Bartosewicz, 11/20/06, pp. 70-72.)

3. Waterway crossings require construction of duct banks or encasements for the conduits that carry the transmission cables over, under or within the waterway. Crossing methods that were considered by the companies include attaching the cables to existing roadway bridges where feasible, horizontal directional drilling (HDD) or auger boring (jack and bore) under the waterway, open cut trenching within the waterway, shallow in-

street trenching or free-standing, independent utility bridges. (Test. A. Bartosewicz, 11/20/06, pp. 91-97; test. S. Newland, 11/21/06, pp. 40 - 48; see also Stip. 11/22/06.)

4. Shallow in-street trenching was dismissed as a crossing method due to lack of sufficient ground cover at the crossing sites where this method might be appropriate. Open-cut trenching and independent utility bridges have been eliminated from consideration for this application. Conventional upland/inroad construction techniques will be used to install the cables at Turney's Creek. (Ex. DEP-7; test. S. Newland, 11/21/06, pp. 29-31; see also Stip. 11/22/06, para. IV. 3; Stip. 12/4/06, *Background*.)

5. To attach the transmission cables to an existing bridge, the bridge must be structurally sufficient with space under the bridge deck and between girders to protect the cable system. Cables are installed to the bridge abutments and under the bridge through holes cored through the abutments. Bucket trucks or temporary scaffolding are used to access the work area under the bridge. This crossing method will be used at the Mill River and Sasco Creek crossing sites. (Ex. DEP-7; test. S. Newland, 11/21/06, pp. 47-48; see also Stip. 12/04/06, para. II.4, 5 and III. 5, 6.)

6. HDD is a land-based construction technique that allows the installation of the cables under the waterway without the need for heavy excavation equipment in the waterway. The technique requires a pilot hole drilled across the riverbed. The pilot hole is enlarged and the conduits are pulled through the hole in large sections. The process requires a substantial staging area at the entry and exit points on land at both sides of the waterway. (Ex. DEP-7; test. S. Newland, 11/21/06, pp. 32 - 34.)

7. HDD requires bentonite to be used as a lubricant and to maintain the hole during drilling. Bentonite is a clay substance mixed with a polymer, which could be inadvertently released into the waterway in certain circumstances. HDD will be used at the Housatonic, Pequonnock, and Saugatuck river crossings and at Ash Creek. (Ex. DEP-7, 21B; test. S. Newland, 11/21/06, pp. 40-41; see also Stip. 11/22/06, para. I.3, III. 3, V.3; Stip. 12/04/06, para. I.8.)

8. The jack and bore process is also a land-based construction technique. This method requires one or two very large pits on the sides of the waterway excavated to the depth of the crossing. An auger, lowered into the pit, bores a straight horizontal hole from one side of the waterway to the other and casing is fed or “jacked” into the hole in sections behind the auger. This method requires sufficient distance on land to allow for the necessary gradual transition from the bottom of the excavation to the surface to connect with the transmission cable system. The jack and bore method will be used at the Yellow Mill Creek crossing. (Ex. DEP-7, 21B; test. S. Newland, 11/21/06, pp. 44-46, 125; see also Stip. 12/04/06, para. II.3, 4.)

## 2 *Crossing Sites*

9. The crossing sites are located within coastal flood areas with developed shorefronts. Several sites have intertidal flats and tidal wetlands vegetation. Shellfish resources have been identified at Ash Creek and the Housatonic, Pequonnock and Saugatuck Rivers. Plant species of special concern were identified upstream of the Saugatuck River crossing. Further details of the crossing site characteristics and specific crossing methods are provided in the attached Stipulations. (Exs. DEP-7, 9; Stip. 11/22/06; Stip. 12/04/06.)

## 3 *Impacts of the Proposed Activities*

### *a* *Navigation*

10. The horizontal directional drilling and jack and bore methods would result in cables installed beneath the Federal Navigation Channels in the Housatonic, Pequonnock Yellow Mill and Saugatuck Rivers. The drill path at Ash Creek would be a minimum of twenty-five feet below the channel bottom. There is no navigation in the crossing area on Turney’s Creek. The on-bridge construction method proposed for the Mill River and Sasco Creek crossings would not impact navigation on those waterways. (Ex. DEP-7; see also Stip. 11/22/06, para. I.2, 6, 7, III. 2,6, 7, and V.2, 6, 7; Stip. 12/04/06. I. 11.)

*b*

***Erosion and Sedimentation***

11. The draft permit requires the applicant to install and maintain erosion and sediment controls that are designed in accordance with the *2002 Connecticut Erosion and Sediment Controls Guidelines*. Such controls are to remain in use during the construction period or until the crossing sites are stabilized. (Ex. DEP-21B.)

12. The draft permit also requires the applicant to coordinate the Mill River construction plan with the DEP Bureau of Water Protection and Land Reuse, Planning and Standards Division, Aquatic Toxicity Section to ensure that the HDD project does not interfere with the remediation of contaminated soils and sediments that may be present in the construction area. (Ex. DEP-21B.)

*c*

***Flushing/Water Quality/Flooding***

13. The applicant has prepared a Monitoring and Operations Plan, which would serve as an emergency response plan in the event of an inadvertent release of the bentonite mud during the HDD process. The draft permit requires the applicant to cover the cost of any environmental cleanup in the waterway associated with the use of Bentonite by surety bond. (Exs. DEP-7, 21B, test. M. Gryzwinski, 12/04/06, pp. 10-11.)

*d*

***Wetlands***

***Aquatic Plants, Fish, Shellfish and Wildlife***

14. The draft permit prohibits the placement or deposit of any construction equipment, fill, or debris in any wetland or watercourse on or off-site. No wetland or watercourse is to be used as a staging area and no heavy equipment is to be staged waterward of the high tide line at any crossing site. The applicant is also prohibited from performing any in-water work at the Housatonic, Pequonnock, Saugatuck Rivers and Ash Creek between June 1<sup>st</sup> and September 30<sup>th</sup> to protect spawning shellfish in the area. (Ex. DEP-21B.)

15. The draft permit also provides that existing tidal vegetation located in a work zone must be identified and flagged to alert construction personnel of its presence. Such vegetation must be fenced or otherwise protected to ensure that it is not adversely impacted during construction. Also, all waste material associated with construction must be disposed of at an upland location and outside of any tidal wetland vegetation. (Ex. DEP-21B.)

16. The identified plant species of special concern that are located upstream of the proposed crossing at the Saugatuck River are not expected to be impacted by the HDD method proposed for this crossing. The HDD process is also not expected to impact the tidal wetland vegetation that has been identified at several crossing sites. There is no identified subaquatic vegetation at any crossing site. (Ex. DEP-7.)

17. Staff of the Department of Agriculture Bureau of Aquaculture (DOA/BOA) reviewed the project plans regarding the potential for impacts to shellfish. DOA/BOA recommended the permit condition restricting HDD during spawning season. DOA/BOA also recommended a stop-work and clean up permit condition in the event of an inadvertent release of the bentonite mud during construction. (Exs. DEP-7, 9.)

### ***III CONCLUSIONS OF LAW***

#### ***A***

##### ***Statutory and Regulatory Criteria***

The Commissioner is authorized to regulate the applicant's proposed crossings with "due regard for indigenous aquatic life, fish and wildlife, the prevention or alleviation of shore erosion and coastal flooding and inland navigation for all vessels, including small craft for recreational purposes, the use and development of adjacent lands and properties and the interests of the state, including pollution control, water quality, recreational use of public water and management of coastal resources, with proper regard for the rights and interests of all persons concerned." General Statutes §22a-359(a).

Section 22a-30-10 of the Regulations of Connecticut State Agencies, sets out the criteria for granting, denying or limiting permits. These criteria establish the scope of consideration the Commissioner must give to the impacts of the proposed project on the wetlands, adjoining coastal and tidal resources, navigation, recreation, erosion, sedimentation, water quality and circulation, fisheries, shellfisheries, wildlife, flooding and other natural water-dependent uses. Regs., Conn. State Agencies §22a-30-10(a).

***1***  
***Preservation of Wetlands***

The record shows that the applicant considered alternatives for each crossing and selected methods that would minimize adverse impacts to coastal resources and accomplish the objectives of the project. The applicant has demonstrated that by attaching cable to existing structures or drilling under the waterways by either the HDD or jack and bore method, the project would have minimal impacts on tidal wetlands in the crossing areas. In addition, the draft permit includes limitations and conditions that would provide reasonable measures to minimize or avoid any adverse impacts of the crossing methods on wetlands and adjoining coastal and tidal resources. §22a-30-10(b).

***2***  
***Recreational and Navigational Uses***

The record shows that the proposed crossing methods would not interfere with a navigable channel or with small craft navigation in any of the eight waterways. Also, the proposed crossing method at Ash Creek would not interfere with the Town of Fairfield's Public Access Easement. The proposed crossing methods would not cause or contribute to sedimentation problems in adjacent or nearby navigable channels. The record demonstrates that all measures would be taken to prevent temporary sedimentation problems during crossings and the crossing methods would not cause a significant adverse impact to recreational or navigable areas in the waterways. §22a-30-10(c).



### 3

#### *Erosion and Sedimentation*

By drilling under the waterways or attaching the transmission cables to existing bridge structures, the project would not cause significant conditions that could result in adverse effects on erosion or sedimentation patterns. Erosion control measures would be implemented maintained throughout the construction period and until crossing areas are stabilized. The record amply demonstrates that the proposed crossings would not cause or produce unreasonable erosion or sedimentation. §22a-30-10(d).

### 4

#### *Fisheries, Shellfisheries and Wildlife*

The biological productivity of any wetland in the crossing areas would not be unreasonably affected by the project due to the seasonal restrictions on construction and the proposed crossing methods at each site. Habitat areas, including shellfish spawning areas, would be protected. Also, the project would not interfere with the harvesting or maintenance of natural shellfish beds. The proposed crossings would not result in significant impacts on fisheries, shellfisheries or wildlife. §22a-30-10(e).

### 5

#### *Circulation and Quality of Coastal or Tidal Waters*

There is no indication that the proposed crossings would significantly impact tidal exchange or flushing rates, freshwater inputs or channel contours. Wetlands and adjacent waterbodies would not be significantly effected by the crossing methods. All measures necessary to respond to any inadvertent release of bentonite mud into the waterways have been addressed in the draft permit conditions. There is sufficient evidence to conclude that the proposed project would not have an adverse impact on the circulation and quality of coastal or tidal waters. §22a-30-10(f).

**6**

***Protection of Life and Property from Natural Disaster***

The proposed crossing methods and construction plans and the location of the staging areas would not increase the potential for flood or hurricane damage on properties adjacent to or adjoining the crossing sites. There is no evidence that the crossings will cause an increase in velocity or volume of flood water in the waterways or significantly reduce the capacity of any waterway to transmit flood waters. There is no indication that the project would cause significant increased flooding upstream or downstream from the crossing area. §22a-30-10(g).

***B***

***CONCLUSION***

The applicant's proposed project meets the relevant statutory and regulatory criteria that the Commissioner must consider. The project would serve to provide transmission service to the southwestern portion of Connecticut while minimizing or avoiding any significant adverse environmental impacts as a result of the waterway crossings.

***IV***

***RECOMMENDATION***

The proposed waterway crossings, if conducted in accordance with the terms and conditions of the draft permit, are consistent with the statutory and regulatory requirements that protect coastal waters and aquatic resources. I therefore recommend that the permit be issued.

/s/ Jean F. Dellamarggio

Jean F. Dellamarggio, Hearing Officer

*P A R T Y L I S T*

Proposed Final Decision In the Matter of UI/CL&P  
Application #200402101-MG

PARTY

REPRESENTED BY

The Applicants

United Illuminating  
157 Church Street  
New Haven, CT 06510

Linda Randell  
Bruce McDermott  
Wiggin & Dana LLP  
One Century Tower  
P.O. Box 1832  
New Haven, CT 06508-1832

Connecticut Light & Power Company  
107 Selden Street  
Berlin, CT 06037

Anthony Fitzgerald  
Brian Henebry  
Carmody & Torrence  
50 Leavenworth Street  
P.O. Box 1110  
Waterbury, CT 06721

Department of Environmental Protection  
Office of Long Island Sound Programs  
79 Elm Street  
Hartford, CT 06106

Micheal Grzywinski

---

Intervenors

City of Bridgeport

Melanie Howlett, Assoc. City Attorney  
999 Broad Street  
Bridgeport, CT 066604

Town of Fairfield

Eileen Kennelly, Assist. Town Attorney  
611 Old Post Road  
Fairfield, CT 06825

Ash Creek Conservation Association, Inc.

Kathryn Braun, Esq.  
1290 Post Road, Ste. 2225  
Fairfield, CT 06824

ATTACHMENT A

STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF ADJUDICATIONS

IN THE MATTER OF	)	Application Number
	)	200402101-MG
	)	
	)	
	)	
THE UNITED ILLUMINATING COMPANY/ THE CONNECTICUT LIGHT AND POWER COMPANY	)	November <sup>22</sup> , 2006

**Stipulation of the Parties of Undisputed Facts**  
**Regarding the Housatonic River, Yellow Mill Creek, Pequonnock River,**  
**Turney's Creek, and Saugatuck River**

The Applicants, The Connecticut Light and Power Company ("CL&P") and The United Illuminating Company ("UI", together, "the Companies"), the Office of Long Island Sound Programs ("OLISP") of the Department of Environmental Protection ("DEP"), the Town of Fairfield, the City of Bridgeport, the Ash Creek Conservation Association, Inc., Fairfielders Protecting Land and Neighborhoods, Inc., and Jane Talamani hereby stipulate to the following statements of fact regarding the proposed methods for installing the Middletown – Norwalk 345-kV cable system across the above-referenced five watercourse crossings regulated by OLISP. As these facts demonstrate, at each of these five crossings, the installation of the cable system will be performed such that there will be no adverse effects on the environment, navigation, or on State coastal resources, uses, or policies.

## Summary

The Companies' proposed methods for the installation of the 345-kV cable system across the Housatonic River, Yellow Mill Creek, Pequonnock River, Turney's Creek, and Saugatuck River, as described below, will not result in adverse effects on the environment, land uses, recreation, social factors, navigation, or State coastal resources, uses, or policies.

### **I. Housatonic River**

1. The Housatonic River is an estuarine embayment (water quality classification SC/SB) that is characterized by mud flats and tidal wetlands. This river provides habitat for seed oysters and finfish such as winter flounder, alewife, blueback herring, and American shad.
2. The proposed cable crossing of the Housatonic River is located in the City of Milford (New Haven County) and the Town of Stratford (Fairfield County), directly south of and adjacent to the Interstate 95 Bridge over the river. At this point, the river is approximately 1,030 feet wide; has a maximum depth of approximately 30 to 40 feet; and includes a Federal Navigation Channel with an authorized dredged depth of -18 feet Mean Low Water ("MLW"). Small areas of mud flats and tidal wetlands are located adjacent to the crossing. The crossing is not within an area identified as habitat for endangered, threatened, or special concern species.
3. The cable system will be installed beneath the Housatonic River using horizontal directional drilling ("HDD"). Two separate HDDs will be performed – one for each of the cable circuits. The HDD drill paths will be approximately 1,420 feet in length and have a maximum depth of approximately 47 feet below the river bottom.
4. The HDD staging areas will be established in upland areas on both sides of the river. On the east side of the river, the staging area will be within a paved parking area and paved accessway to a DEP boat ramp. On the west side of the river, the staging area will be located in the paved parking area of The Dock Shopping Center / Marina.
5. Approximately two- three months will be required to install the cable system using the HDD method. During the construction period, access to the DEP boat ramp will be maintained.
6. Using the HDD method, the construction and operation of the cable system will not result in adverse effects on coastal flooding, water circulation patterns, drainage patterns, shore erosion or accretion, recreation, or visual quality. Likewise, the use of the HDD method is not expected to result in adverse environmental effects to water quality, freshwater or tidal wetlands, shellfish resources, finfish resources, submerged aquatic vegetation, intertidal flats, wildlife resources, or threatened/endangered species.

7. The cable system will be installed well below the authorized dredge depth of the Federal Navigation Channel and will not affect existing or future use of this channel or present any other navigational issues.
8. During the installation of the cable system using HDD, the potential exists for an inadvertent release of bentonite drilling fluid to the environment. The Companies have prepared a Monitoring and Operations Plan applicable to this and all other HDD crossings that discusses the procedures to be followed in the event of an inadvertent release of bentonite.
9. The installation and operation of the cable system across the Housatonic River will not adversely affect coastal resources, coastal uses, or coastal policies.

## II. Yellow Mill Creek

1. The Yellow Mill Creek, which has a water quality classification of C/B, is located in an industrialized portion of the City of Bridgeport (Fairfield County), north of the Metro-North / Amtrak Railroad corridor. The creek is bordered by a narrow band of upland forest and shrub vegetation; areas of *Phragmites* are located along the creek as well.
2. The proposed cable crossing of the Yellow Mill Creek is located within Barnum Avenue. At this location, the creek is channelized in a culvert (which is approximately 20 feet wide), and at a depth of approximately 11 feet below the roadway.
3. The cable system will be installed beneath the culverted portion of Yellow Mill Creek using a jack and bore. The jack and bore will be approximately 25 feet in length and will be at a depth of approximately 23 feet.
4. Staging areas for the jack and bore will be established within Barnum Avenue.
5. Approximately two- three months will be required to install the cable system using the jack and bore method.
6. Using the jack and bore method at Yellow Mill Creek, the construction of the cable system will not result in adverse effects on coastal flooding, water circulation patterns, drainage patterns, shore erosion or accretion, recreation, visual quality, water quality, freshwater or tidal wetlands, shellfish resources, finfish resources, submerged aquatic vegetation, intertidal flats, wildlife resources, land use, or threatened/endangered species.
7. The installation and operation of the cable system across the Yellow Mill Creek will not adversely affect coastal resources, coastal uses, or coastal policies.

### III. Pequonnock River

1. The Pequonnock River is an estuarine embayment (water quality classification SC/SB) that drains into Bridgeport Harbor. The river is bordered predominantly by industrial or commercial uses and is defined by a shoreline that is primarily bulkheaded or otherwise modified. The river provides habitat for finfish such as winter flounder, alewife, blueback herring, and American shad.
2. The proposed cable crossing of the Pequonnock River is located in the City of Bridgeport (Fairfield County), parallel to and south of the Metro-North / Amtrak Railroad Bridge. At this point, the river is approximately 500 feet wide; has a maximum depth of approximately 25 feet; and includes a Federal Navigation Channel with an authorized dredged depth of -18 feet MLW. No intertidal flats, tidal wetlands, or freshwater wetlands are located at or adjacent to the crossing. The crossing is not within an area identified as habitat for endangered, threatened, or special concern species and does not support shellfish habitat.
3. The cable system will be installed beneath the Pequonnock River using horizontal directional drilling ("HDD"). Two separate HDDs will be performed – one for each of the cable circuits. The HDD drill paths will be approximately 770 feet in length and will be approximately 40 feet below the surface of the water and 22 feet below the river bottom.
4. The HDD staging areas will be established in upland areas on both sides of the river. On the east side of the river, the staging area will be within a small grassed park area ("Frisbee Park"). On the west side of the river, the staging area will be located on an undeveloped property that is presently used for construction staging.
5. Approximately two- three months will be required to install the cable system using the HDD method.
6. Using the HDD method, the construction of the cable system will not result in adverse effects on coastal flooding, water circulation patterns, drainage patterns, shore erosion or accretion, recreation, or visual quality. Likewise, the use of the HDD method is not expected to result in adverse environmental effects to water quality, freshwater or tidal wetlands, shellfish resources, finfish resources, submerged aquatic vegetation, intertidal flats, wildlife resources, or threatened/endangered species.
7. The cable system will be installed well below the authorized dredge depth of the Federal Navigation Channel and will not affect existing or future use of this channel or any other navigational issues.
8. During the installation of the cable system using HDD, the potential exists for an inadvertent release of bentonite drilling fluid to the environment. The Companies have prepared a Monitoring and Operations Plan applicable to this and all other HDD

crossings that discusses the procedures to be followed in the event of an inadvertent release of bentonite.

9. The installation and operation of the cable system across the Pequonnock River will not adversely affect coastal resources, coastal uses, or coastal policies.

#### **IV. Turney's Creek**

1. Turney's Creek, which is located in the Town of Fairfield (Fairfield County), drains into Ash Creek, which in turn drains into Long Island Sound.
2. At the proposed cable crossing, Turney's Creek is channelized into underground culverts that extend beneath the U.S. Route 1 / State Route 130 rotary. The proposed crossing will be located on the grassed road shoulder, adjacent to the rotary.
3. The cable system will be installed above Turney's Creek using the same conventional construction techniques as used in upland / in-road areas. No special staging areas will be required.
4. Approximately two- three days will be required to install the cable system above the creek culverts (standard duration for in-street duct bank construction).
5. The construction and operation of the cable system will not result in adverse effects on coastal flooding, water circulation patterns, drainage patterns, shore erosion or accretion, visual quality, recreation, land use, water quality, freshwater or tidal wetlands, shellfish resources, finfish resources, submerged aquatic vegetation, intertidal flats, wildlife resources, or threatened/endangered species.
6. The installation and operation of the cable system above the Turney's Creek culverts will not adversely affect coastal resources, coastal uses, or coastal policies.

#### **V. Saugatuck River**

1. The Saugatuck River is an estuarine embayment (water quality classification SB/SA) that drains into Long Island Sound. The river is characterized by extensive tidal wetlands and intertidal flats and is bordered by residential areas, parklands, and community / commercial uses. The river provides habitat for finfish such as winter flounder, alewife, and blueback herring, and is prime seed oyster habitat.
2. The proposed cable crossing of the Saugatuck River is located in the Town of Westport (Fairfield County), parallel to and south of the Metro-North / Amtrak Railroad Bridge. At this point, the river is approximately 1,325 feet wide, and is very shallow, with a maximum depth of approximately 10 feet. The river includes a Federal Navigation



Channel with an authorized dredged depth of -4 feet MLW. The crossing is not within an area identified as habitat for endangered, threatened, or special concern species.

3. The cable system will be installed beneath the Saugatuck River using horizontal directional drilling (“HDD”). Two separate HDDs will be performed – one for each of the cable circuits. The HDD drill paths will be approximately 1,640 feet in length and will be approximately 40 feet below the surface of the water and 35 feet below the river bottom.
4. The HDD staging areas will be established in upland areas on both sides of the river. On the east side of the river, the staging area will be within gravel parking area. On the west side of the river, the staging area will be located principally within the paved parking lot of a church.
5. Approximately two- three months will be required to install the cable system using the HDD method.
6. Using the HDD method, the construction of the cable system will not result in adverse effects on coastal flooding, water circulation patterns, drainage patterns, shore erosion or accretion, recreation, or visual quality. Likewise, the use of the HDD method is not expected to result in adverse environmental effects to water quality, freshwater or tidal wetlands, shellfish resources, finfish resources, submerged aquatic vegetation, intertidal flats, wildlife resources, or threatened/endangered species.
7. The cable system will be installed well below the authorized dredge depth of the Federal Navigation Channel and will not affect existing or future use of this channel or any other navigational issues.
8. During the installation of the cable system using HDD, the potential exists for an inadvertent release of bentonite drilling fluid to the environment. The Companies have prepared a Monitoring and Operations Plan applicable to this and all other HDD crossings that discusses the procedures to be followed in the event of an inadvertent release of bentonite.
9. The installation and operation of the cable system across the Saugatuck River will not adversely affect coastal resources, coastal uses, or coastal policies.

THE CONNECTICUT LIGHT AND POWER COMPANY

By: Brian T. Henebry  
Brian T. Henebry  
Carmody & Torrance  
P.O. Box 1110  
50 Leavenworth Street  
Waterbury, Connecticut 06721-1110

THE UNITED ILLUMINATING COMPANY

By: Bruce L. McDermott  
Bruce L. McDermott  
Wiggin & Dana LLP  
One Century Tower  
P.O. Box 1832  
New Haven, CT 06508-1832

CONNECTICUT DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, OFFICE OF  
LONG ISLAND SOUND PROGRAMS

By: Michael Grzywinski  
Michael Grzywinski  
OLISP  
Department of Environmental Protection  
79 Elm Street  
Hartford, CT 06106

TOWN OF FAIRFIELD


By: Eileen Kennelly  
Eileen Kennelly  
Assistant Town Attorney  
Town of Fairfield  
611 Old Post Road  
Fairfield, CT 06825

CITY OF BRIDGEPORT

By: Melanie Howlett  
Melanie Howlett, Assoc. City Attorney  
Office of the City Attorney  
999 Broad Street  
2<sup>nd</sup> Floor  
Bridgeport, CT 06604-4328


ASH CREEK CONSERVATION ASSOCIATION, INC.

By:

  
Kathryn Braun  
1212 Post Road  
Fairfield, CT 06824


FAIRFIELDERS PROTECTING LAND AND  
NEIGHBORHOODS, INC.

By:

  
Kathryn Braun  
1212 Post Road  
Fairfield, CT 06824

JANE TALAMANI

By:

  
Kathryn Braun  
1212 Post Road  
Fairfield, CT 06824

CERTIFICATION

This is to certify that on this <sup>22<sup>nd</sup></sup> day of November, 2006, copies of this document were sent to:

Jean F. Dellamarggio  
Hearing Officer  
DEP Office of Adjudications  
79 Elm Street  
Hartford, CT 06106

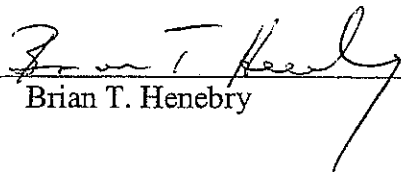
Micheal Grzywinski  
OLISP  
Connecticut Department of Environmental Protection  
79 Elm Street  
Hartford, CT 06106

Bruce L. McDermott, Esq.  
Wiggin and Dana LLP  
265 Church Street  
New Haven, CT 06510

Eileen Kennelly  
Assistant Town Attorney  
Town of Fairfield  
611 Old Post Road  
Fairfield, CT 06825

Melanie Howlett  
Office of the City Attorney  
999 Broad Street  
2<sup>nd</sup> Floor  
Bridgeport, CT 06604-4328

Kathryn Braun  
1212 Post Road  
Fairfield, CT 06824

  
\_\_\_\_\_  
Brian T. Henebry

**ATTACHMENT B**

STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF ADJUDICATIONS

IN THE MATTER OF	)	Application Number
	)	200402101-MG
	)	
	)	
	)	
THE UNITED ILLUMINATING COMPANY/ THE CONNECTICUT LIGHT AND POWER COMPANY	)	December 4, 2006

**Stipulation of the Parties Regarding the Crossings of Ash Creek, Mill  
River/Southport Harbor, and Sasco Creek**

The Applicants, The Connecticut Light and Power Company ("CL&P") and The United Illuminating Company ("UI", together, "the Companies"), the Office of Long Island Sound Programs ("OLISP") of the Department of Environmental Protection ("DEP"), the Town of Fairfield ("Fairfield"), the City of Bridgeport ("Bridgeport"), the Ash Creek Conservation Association, Inc., Fairfielders Protecting Land and Neighborhoods, Inc., and Jane Talamani hereby stipulate to the following regarding the proposed methods for installing the Middletown – Norwalk 345-kV cable system across Ash Creek located on the border of Bridgeport and Fairfield, Mill River/Southport Harbor in Fairfield, and Sasco Creek on the border of Fairfield and Westport, each of which is regulated by OLISP. The proposed methods of installation of the cable system at each of these crossings, as described below, will be performed such that there will be no adverse effects on the environment, navigation, or on State coastal resources, uses, or policies.

## Background

1. As set forth in the attached letter dated November 29, 2006 from Arthur W. Gruhn, P.E., Chief Engineer for the Bureau of Engineering and Highway Operation of the Connecticut Department of Transportation ("CDOT") to Anne Bartosewicz, Project Director for CL&P for the Middletown-Norwalk 345-kV Project ("the CDOT Letter") (see Exhibit 1), CDOT has agreed, subject to certain conditions set forth in said letter, to allow CL&P to: (a) install its 345-kV cable system under Ash Creek using a horizontal directional drill (HDD) method beneath the State Route 130 Bridge and within the roadway pavement limits; (b) attach its 345-kV cable system to the CDOT bridge over Mill River/Southport Harbor; and (c) attach its 345-kV cable system to the CDOT bridge over Sasco Creek.
2. Prior to receipt of the CDOT Letter, CL&P had proposed to construct self-supporting utility bridges at Ash Creek, Mill River/Southport Harbor, and Sasco Creek for purposes of installing the 345-kV cable system at these water crossings. The proposed self-supporting utility bridges at these three water crossings have been the subject of the hearings conducted in this matter on November 20, 21, 27, and 28, 2006. During the course of these hearings, CL&P representatives have testified that CL&P would prefer to utilize the crossing methods outlined in Paragraph 1, but these methods could not be used absent the consent of CDOT. In addition, DEP/OLISP has indicated that use of the open cut construction method at Ash Creek, Mill River/Southport Harbor, and Sasco Creek is not an environmentally acceptable method at these locations. The hearings in this proceeding are scheduled to resume on December 4, 2006.
3. In reliance upon the CDOT Letter, CL&P has agreed to modify its proposed crossing methods for Ash Creek, Mill River/Southport Harbor, and Sasco Creek in accordance with the methods set forth in Paragraph 1. CL&P has submitted plans to DEP/OLISP regarding these revised crossing methods.
4. As set forth in the CDOT Letter, CDOT will be contacting the elected officials in Fairfield and Bridgeport to develop a Memorandum of Understanding ("MOU") concerning the traffic impacts anticipated as a result of the crossing methods outlined in Paragraph 1. Fairfield and Bridgeport agree to work in good faith with CDOT to reach agreement with CDOT on the terms of the MOU. CL&P agrees that the development of the MOU between CDOT, Fairfield, and Bridgeport does not relieve CL&P of its obligation to coordinate and develop the necessary traffic mitigation plans in conjunction with CDOT, Fairfield, and Bridgeport, as outlined in the CDOT letter.
5. The parties to this stipulation agree to waive their rights under § 22a-3a-6(y) of the Regulations of Connecticut State Agencies to file exceptions to the proposed final decision and to request oral argument on the proposed final decision. The parties to this stipulation further agree to waive any and all of their rights, if any, to appeal the final decision in this matter, including but not limited to their appeal rights under Conn. Gen. Stat. § 22a-34 and Conn. Gen. Stat. 4-183 et seq.

6. CL&P agrees to modify its Development and Management Plan for the Underground Cable Crossings of Watercourses and Railroads dated September 4, 2006 ("CL&P's Water Crossing D&M Plan") (Applicants' Exhibit 11), which was previously filed with the Connecticut Siting Council ("Siting Council"), to reflect the modifications outlined above for the crossings of Ash Creek, Mill River/Southport Harbor, and Sasco Creek. The parties to this stipulation agree not to oppose or raise any objections to the crossing methods outlined in Paragraph 1 before the Siting Council with regard to its review of CL&P's Water Crossing D&M Plan.

### **Summary of Facts Regarding the Proposed Crossings of Ash Creek, Mill River/Southport Harbor, and Sasco Creek**

The installation of the 345-kV cable system using the methods described below will not result in significant adverse effects to environmental resources, land uses, visual resources, recreation, social factors, navigation, or State coastal resources, uses, or policies. For construction work at all of the crossings, appropriate soil erosion and sediment controls will be implemented, in compliance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*.

#### **I. Ash Creek**

1. Ash Creek, which is the tidal outlet of the Rooster River, forms the boundary between Bridgeport and Fairfield. The creek is an estuarine embayment (water quality classification SC/SB) that is characterized by intertidal flats and tidal wetlands. The creek provides prime natural habitat for seed oysters and also supports finfish such as winter flounder, alewife, blueback herring, and American shad.
2. A review of the Fairfield *Shellfish Management Plan* shows that Ash Creek is a designated town Shellfish Resource Area and includes natural public shellfish beds. However, shellfish are prohibited from direct harvest. The nearest state shellfish lease bed is located at the Town of Fairfield / State of Connecticut jurisdiction line, south of the creek's confluence with Long Island Sound (about 1 mile south of the State Route 130 Bridge).
3. As certificated by the Connecticut Siting Council ("Council"), the planned 345-kV cable route is aligned along State Route 130 (which is referred to as Fairfield Avenue in Bridgeport and as Boston Post Road (a/k/a Post Road) in Fairfield). Accordingly, the cable system must traverse Ash Creek in the immediate vicinity of State Route 130.
4. The State Route 130 Bridge over Ash Creek was originally built in 1910 as a reinforced concrete arch structure on reinforced concrete stub abutments, supported on timber piles. CDOT has indicated that it would not allow attachment of the 345-kV cable system to this bridge.



5. Ash Creek is at its narrowest (approximately 80 feet) at the State Route 130 Bridge due to fill, possibly associated with the historical bridge and roadway construction. Farther to the north, the creek widens into a broad meander before turning northeast and narrowing into a channel. In the tidal area below the State Route 130 Bridge, Ash Creek widens to more than 800 feet and includes broad reaches of tidal mud flats. Beaches border the creek's confluence with Long Island Sound. There is no designated Federal Navigation Channel at this site.
6. In the vicinity of Ash Creek, State Route 130 consists of two travel lanes in each direction.
7. Along State Route 130 near the Ash Creek Bridge, land uses are dominated by urban commercial development, including office buildings, restaurants, and retail activities.
8. The cable system will be installed beneath Ash Creek using HDD. The planned drill path will be beneath the State Route 130 bridge. Two separate HDDs will be performed – one for each of the cable circuits.
9. The required use of staging areas within State Route 130 and the resultant long-term traffic lane closures will have the potential to increase traffic congestion during peak travel periods and to hinder access to local businesses. Bridgeport and Fairfield acknowledge this potential impact and concur that it is acceptable, given the long-term benefits of installing the cable system using HDD rather than alternative methods. To mitigate this effect to the extent possible, CL&P will:
  - Develop a traffic mitigation plan in consultation with Bridgeport, Fairfield, and CDOT; and
  - Provide necessary traffic mitigation during construction.
10. Using the HDD method, the installation of the cable system will not result in adverse effects on coastal flooding, water circulation patterns, drainage patterns, shore erosion or accretion, recreation, or visual quality. Likewise, the use of the HDD method is not expected to result in adverse environmental effects to water quality, freshwater or tidal wetlands, shellfish resources, finfish resources, submerged aquatic vegetation, intertidal flats, wildlife resources, or threatened/endangered species.
11. The cable system will be installed well below the bed of the creek and will not affect existing or future use of the creek for recreation or navigational purposes.
12. The installation and subsequent operation of the cable system across Ash Creek will not adversely affect coastal resources, coastal uses, or coastal policies. The cable system will not affect Fairfield's public access easement, located on the west side of the creek north

of the State Route 130 Bridge, but there may be temporary limitations on use of the easement during construction for purposes of public safety .

## II. Mill River

1. The tidally-influenced Mill River, which has a water quality classification of SB/SA, drains into Southport Harbor. The river provides habitat for finfish such as alewife and blueback herring. There are no shellfish resources in the immediate vicinity. The nearest shellfish lease area is located in Long Island Sound, approximately 1.5 miles to the south.
2. The proposed 345-kV cable crossing of the Mill River is located along the Boston Post Road (U.S. Route 1) in the Town of Fairfield. At this location, the river is approximately 82 feet wide. There are no tidal wetlands in the immediate vicinity of the crossing, and vegetation adjacent to the river is comprised predominantly of upland forest and shrub species.
3. Land uses along the Boston Post Road in the vicinity of the Mill River consist primarily of a mix of industrial, former industrial, and commercial / office uses. Past industrial practices, including activities at the former Exide Battery site (which was located on the east side of the river, north of the Boston Post Road), have resulted in contamination (e.g., heavy metals such as lead and hexavalent chromium) in the sediments of the Mill River. Although remediation of the Exide Battery site has been performed, some contamination also remains in upland areas.
4. The cable system will be installed across the Mill River in conduit pipes (ducts) that will be hung on the underside of the Boston Post Road Bridge that spans the river. Two sets of pipes (one for each set of 345-kV circuits) will be installed - one beneath either side of the bridge. The separate pipes are designed to allow the cable system to remain operational, should CDOT have to conduct extensive maintenance on or replace a portion of the bridge in the future.
5. To install the cable system across the Mill River, conventional duct bank trenching will be performed within the Boston Post Road up to the Mill River Bridge. At the bridge, the excavation for the duct bank will continue through the bridge abutment, allowing access to the underside of the bridge where the conduit will be hung.
6. During the construction of the cable system across the Mill River Bridge, the Companies will implement appropriate measures to mitigate potential effects on traffic.
7. Using the "on bridge" method at Mill River, the construction of the cable system will not result in adverse effects on coastal flooding, water circulation patterns, drainage patterns, shore erosion or accretion, recreation, visual quality, water quality, freshwater or tidal wetlands, shellfish resources, finfish resources, submerged aquatic vegetation, intertidal flats, wildlife resources, land use, or threatened/endangered species.

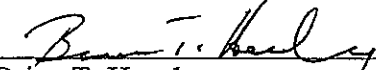
8. The "on bridge" method also will avoid the potential for disturbance to contaminated sediments in the river and for contaminant migration that could be a concern associated with subsurface cable installation methods. This method also will avoid potential conflicts with the continued remediation of upland portions of the former Exide Battery site.
9. The installation and operation of the cable system across the Mill River will not adversely affect coastal resources, coastal uses, or coastal policies.

### III. Sasco Creek


1. The 345-kV cable crossing of Sasco Creek is located along U.S. Route 1 (Boston Post Road), which is immediately south of and abuts Bulkley Pond. Sasco Creek constitutes the boundary between the Town of Westport and Fairfield.
2. Sasco Creek is tidal downstream of Bulkley Pond, which is formed by a dam located immediately north of the Boston Post Road. South of this dam, the creek is classified as an estuarine embayment (water quality classification SB/SA). The creek supports habitat for fisheries such as winter flounder, alewife, blueback herring, and American shad.
3. There are no shellfish resources in the immediate vicinity of the cable crossing. The closest shellfish lease area is located within Long Island Sound, approximately 1.4 miles to the south.
4. North of the Boston Post Road, the creek is bordered by a former mill (now retail shops) and wooded areas along Bulkley Pond. To the south of the Boston Post Road, the creek narrows to approximately 70 feet wide and is characterized by a stony streambed located within a narrow, wooded riparian corridor. Land uses on either side of this corridor consist of a shopping center (Westport) and office building (Fairfield).
5. The cable system will be installed across the Sasco Creek in conduit pipes (ducts) that will be hung on the underside of the Boston Post Road Bridge that spans the river. Two sets of pipes (one for each set of 345-kV circuits) will be installed - one beneath either side of the bridge. The separate pipes are designed to allow the cable system to remain operational, should CDOT have to conduct extensive maintenance on or replace a portion of the bridge in the future.
6. To install the cable system across Sasco Creek, conventional duct bank trenching will be performed within the Boston Post Road up to the Sasco Creek Bridge. At the bridge, the excavation for the duct bank will continue through the bridge abutment, allowing access to the underside of the bridge where the conduit will be hung.
7. During the construction of the cable system underneath the Sasco Creek Bridge, the Companies will implement appropriate measures to mitigate potential effects on traffic.

8. Using the "on bridge" method at Sasco Creek, the construction of the cable system will not result in adverse effects on coastal flooding, water circulation patterns, drainage patterns, shore erosion or accretion, recreation, visual quality, water quality, freshwater or tidal wetlands, shellfish resources, finfish resources, submerged aquatic vegetation, intertidal flats, wildlife resources, land use, or threatened/endangered species.
9. The installation and operation of the cable system across Sasco Creek will not adversely affect coastal resources, coastal uses, or coastal policies.

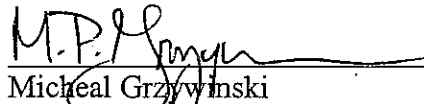
THE CONNECTICUT LIGHT AND POWER COMPANY

By:   
Brian T. Henebry  
Carmody & Torrance  
P.O. Box 1110  
50 Leavenworth Street  
Waterbury, Connecticut 06721-1110

THE UNITED ILLUMINATING COMPANY

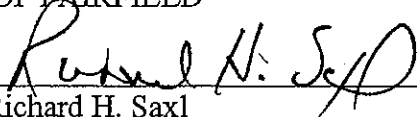
By:   
Bruce L. McDermott  
Wiggin & Dana LLP  
One Century Tower  
P.O. Box 1832  
New Haven, CT 06508-1832

CONNECTICUT DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, OFFICE OF  
LONG ISLAND SOUND PROGRAMS

By:   
Micheal Grzywinski  
OLISP  
Department of Environmental Protection  
79 Elm Street  
Hartford, CT 06106

TOWN OF FAIRFIELD

By:

  
Richard H. Saxl

Town Attorney

Law Office of Richard H. Saxl

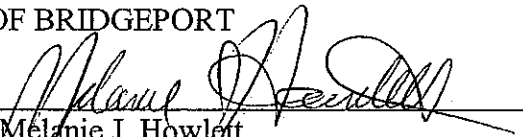
Five Imperial Avenue

P.O. Box 5042

Westport, CT 06881-5042

CITY OF BRIDGEPORT

By:

  
Melanie J. Howlett

Associate City Attorney

Office of the City Attorney

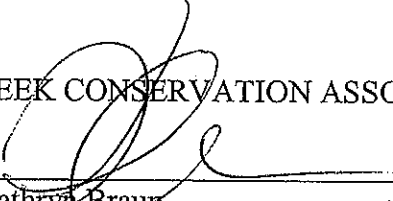
999 Broad Street

2<sup>nd</sup> Floor

Bridgeport, CT 06604-4328

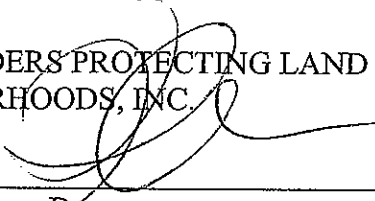
ASH CREEK CONSERVATION ASSOCIATION, INC.

By:

  
Kathryn Braun  
1290 Post Road, Suite 2225  
Fairfield, CT 06824

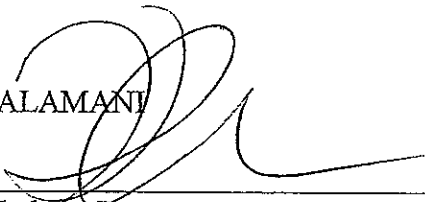
FAIRFIELDERS PROTECTING LAND AND  
NEIGHBORHOODS, INC.

By:

  
Kathryn Braun  
1290 Post Road, Suite 2225  
Fairfield, CT 06824

JANE TALAMANI

By:

  
Kathryn Braun  
1290 Post Road, Suite 2225  
Fairfield, CT 06824

CERTIFICATION

This is to certify that on December 4, 2006, copies of this document were hand-delivered to:

Jean F. Dellamarggio  
Hearing Officer  
DEP Office of Adjudications  
79 Elm Street  
Hartford, CT 06106

Micheal Grzywinski  
OLISP  
Connecticut Department  
of Environmental Protection  
79 Elm Street  
Hartford, CT 06106

Bruce L. McDermott  
Wiggin and Dana LLP  
265 Church Street  
New Haven, CT 06510

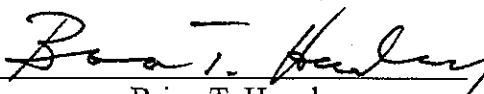
Richard H. Saxl  
Law Office of Richard H. Saxl  
Five Imperial Avenue  
P.O. Box 5042  
Westport, CT 06881-5042

Melanie Howlett  
Office of the City Attorney  
999 Broad Street  
2<sup>nd</sup> Floor  
Bridgeport, CT 06604-4328

Kathryn Braun  
1290 Post Road, Suite 2225  
Fairfield, CT 06824

And a copy was mailed on this same date to:

Eileen Kennelly  
Assistant Town Attorney  
Town of Fairfield  
611 Old Post Road  
Fairfield, CT 06825

  
\_\_\_\_\_  
Brian T. Henebry



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546  
NEWINGTON, CONNECTICUT 06131-7546

Phone: November 29, 2006

Ms. Anne Bartosewicz  
Project Director  
Northeast Utilities Services Company  
107 Selden Street  
Berlin, CT 06037

Dear Ms. Bartosewicz:

Subject: 345 kV Transmission Lines  
Route 130 - Fairfield - Bridgeport,  
Ash Creek/Mill River/ Sasco Creek Bridges

The Department of Transportation ("Department") has been continuing its review of the various Northeast Utilities and United Illuminating Company (the "Utilities") proposals for river crossings along Route 130 in Fairfield and Bridgeport. Based on the information received from the Utilities and the testimony that has been provided to date at the permit hearings, the Department will consider the following crossing method (utility bridges would be acceptable but do not appear to be in the public interest) to be acceptable at the locations listed:

Ash Creek - two crossing methods would be acceptable to the Department at this location. The preferred option, due to its limited impact on the transportation system, would be an open cut crossing of the waterway if it were found to be environmentally acceptable by the regulatory agencies. Such a crossing should be constructed a minimum of 25 feet from the existing structure and wing walls to allow sufficient area for future rehabilitation and/or reconstruction of the bridge structure.

The second acceptable crossing method would be horizontal directional drilling (HDD) beneath the structure, within the roadway pavement limits. This method would require long term closures of two lanes of Route 130 and would, therefore, have potential traffic impacts during peak travel periods. In addition, the long term closures may have an adverse economic impact on businesses in and adjacent to the construction area. Due to the concerns for transportation system operations and community impact, the following conditions would be required prior to proceeding with the HDD options:

- The Utilities would be required to provide a traffic mitigation plan acceptable to the communities involved and the Department. The Department will work with the Utilities and community officials to develop an acceptable plan.



- The Utilities will provide the necessary traffic mitigation and coordination with the Department and the communities at the Utilities expense.

- Any additional costs incurred by the Department during future rehabilitation or reconstruction of the Ash Creek Bridge as a result of the presence of the 345 kV transmission lines beneath the structure will be borne by the Utilities in accordance with the encroachment agreement.

- The Utilities, at their expense, will provide the Department with the necessary engineering, plans, and specifications to assure the protection of their facilities during any future rehabilitation or reconstruction of the bridge.

Mill River – due to the environmental concerns raised as a result of contamination of the Mill River sediments by others, it appears that it would be in the public's interest to attach the 345 kV lines to the existing structure. If this option were to be pursued by the Utilities, the following must be provided to the Department and to the Town of Fairfield (Town):

- Complete engineering plans for the attachments to the structure, manhole locations, and other related facilities.

- Traffic mitigation plans acceptable to the Town and the Department, with all traffic mitigation costs and coordination to be provided by the Utilities at their expense.

Sasco Creek – the preferred option at this location to avoid transportation operational impacts would an open cut across the waterway if it were found to be environmentally acceptable to the permitting agencies. If it is determined that the environmental impacts would prohibit the issuance of a permit, the Department would permit the 345 kV transmission lines to be attached to the structure. The same conditions listed for a bridge attachment at Mill River would apply at this location.

As indicated above, the Department will consider attachment of the 345 kV transmission lines to the Sasco Creek and Mill River Bridges due to the environmental issues at these two sites. Attachment to any other DOT structure will not be considered unless site conditions at those locations would preclude other construction methodologies from being utilized.

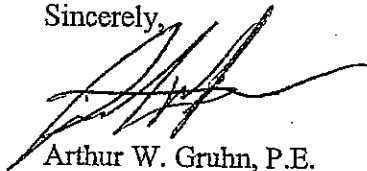
In addition, if the attachment alternative is utilized, it will be necessary to amend the existing Encroachment Agreement to address the issues related to this additional encroachment at the three bridge structures addressed in this letter. My staff will be preparing the Encroachment Agreement amendment and will be forwarding it to you as soon as the draft is prepared.

The Department remains to be committed to work with the Utilities, the communities, the Department of Environmental Protection and the Connecticut Siting Council to facilitate the installation of the 345 kV transmission line while maintaining the integrity of the state's transportation system. To that end, the Department will be contacting the elected officials in Fairfield and Bridgeport to develop a Memorandum of Understanding (MOU) concerning the anticipated traffic impacts as a result of the methods outlined above. The development of this MOU between the communities and the Department does not relieve the Utilities of their obligation to coordinate and develop the necessary traffic mitigation plans with the communities and the department

Upon receipt of the engineering drawings, construction methodology, and traffic mitigation plans for the selected crossing options from the Utilities, the Department will provide an expedited review of the submissions. No construction activity may be undertaken at any of the above bridge locations until such time as the plans and specifications for the work are reviewed and approved by the Department, and the Encroachment Agreement amendment is signed by the Utilities and the Department.

Please continue to keep the Department apprised of the methods the Utilities select for each of the crossings, as well as any meetings with the communities to develop the traffic mitigation plans for the selected construction methodology. If you have any questions regarding these matters, please contact Mr. Joseph Obara at 860-594-3254 or Mr. Sohrab Afrazi at 860-594-3262.

Sincerely,



Arthur W. Gruhn, P.E.  
Chief Engineer  
Bureau of Engineering and  
Highway Operations

cc: The Honorable John M. Fabrizi  
The Honorable Kenneth A. Flatto  
Ms. Gina McCarthy, Department of Environmental Protection  
Ms. Jean Dellamargio, DEP Hearing Officer  
Mr. Derek Phelps, Connecticut Siting Council  
The Honorable Bill Finch, State Senator, 22nd District  
The Honorable Edwin A. Gomes, State Senator, 23<sup>rd</sup> District  
The Honorable John McKinney, State Senator, 28th District  
The Honorable Charles Clemons, State Representative, 124<sup>th</sup> District

The Honorable Christopher L. Caruso, State Representative, 126<sup>th</sup> District  
The Honorable John F. Hennessy, State Representative, 127<sup>th</sup> District  
The Honorable Lydia N. Martinez, State Representative, 128<sup>th</sup> District  
The Honorable Robert T. Keeley, State Representative, 129<sup>th</sup> District  
The Honorable Felipe Reinoso, State Representative, 130<sup>th</sup> District  
The Honorable Thomas Drew, State Representative, 132<sup>nd</sup> District  
The Honorable Catherine Tymniak, State Representative, 133<sup>rd</sup> District  
The Honorable Jack Stone, State Representative, 134<sup>th</sup> District  
Mr. Jim Muntz, Northeast Utilities ✓

**ATTACHMENT C**  
**PERMIT**

**Permit No.:** 200402101-MG/WQC - 200402101

**Towns/Cities:** Bethany, Bridgeport, Cheshire, Durham, Fairfield, Haddam, Hamden, Meriden, Middlefield, Middletown, Milford, Norwalk, Orange, Stratford, Wallingford, West Haven, Westport, and Woodbridge

**Work Areas:** Housatonic, Pequonnock, and Saugatuck Rivers, Ash Creek, Stony Brook, Sasco Creek, Mill River, Turney Creek, Yellow Mill Creek, Bruce Brook, Long Brook and wetlands in Project Towns

**Permittees:** The Connecticut Light and Power Company  
c/o Anne Bartosewicz  
107 Selden Street  
Berlin, CT 06037

and

The United Illuminating Company  
c/o John Prete  
157 Church Street  
P.O. Box 1564  
New Haven, CT 06506

Pursuant to Section 22a-359 through 22a-363f of the Connecticut General Statutes ("CGS"), and in accordance with CGS Sections 22a-28 through 22a-35 and 22a-98, Section 401 of the Federal Clean Water Act, as amended and the Connecticut Water Quality Standards dated December 2002, a permit and water quality certificate is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to install and operate 69-miles of new overhead and underground 345-kV electric transmission system for the purpose of improving electric system reliability as is more specifically described below in the SCOPE OF AUTHORIZATION, in the work areas described above.

**\*\*\*\*\*NOTICE TO PERMITTEES AND CONTRACTORS\*\*\*\*\***

**FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEES AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING PENALTIES AND INJUNCTIONS, AS PROVIDED BY LAW.**

**SCOPE OF AUTHORIZATION**

**Inland**

The Permittees are hereby authorized to conduct activities, including but not limited to the construction and/or operation of facilities, which may result in any discharge into the waters of the state in accordance with documents submitted under application WQC-200402101, as amended, including but not limited to the plans entitled,

"Connecticut Siting Council, Docket No. 272, Development and Management Plan for the Middletown-Norwalk 345-kV Transmission Line Project, Segment 1A, Volume 2 or 2, Scovill Rock Switching Station to Chestnut Junction, Oxbow Junction to Beseck Switching Station, and Black Pond Junction to Beseck Switching Station," dated November 7, 2006, prepared by Burns and McDonnell;

"Connecticut Siting Council, Docket No. 272, Development and Management Plan for the Middletown-Norwalk 345-kV Transmission Line Project Segment 2B, Hamden/Cheshire Town line to Devon Generating Station, Plan Sheets 2 through 21," dated June 15, 2006, prepared by Burns and McDonnell;

"Connecticut Siting Council, Docket No. 272, Development and Management Plan for the Middletown-Norwalk 345 k-V Transmission Line Project Segment 2A, Beseck Switching Station to Cheshire/Hamden Town line, Plan sheets 21 through 30," dated March 2006, prepared by Burns and McDonnell;

"Connecticut Siting Council, Docket No. 272, Development and Management Plan for Segment 1b, Sheet 1 of 1," dated June 9, 2006 prepared by Burns & McDonnell; and

"Connecticut Light and Power Middletown to Norwalk Project, Summary of Wetland Impacts (Wetland Temporary and Permanent Fill, Wetland Vegetation Modifications)," dated December 5, 2006, prepared by Connecticut Light and Power.

Specifically, the Permittees are authorized to permanently fill 2.35 acres of inland wetlands and watercourses, temporarily fill 11 acres of inland wetlands and watercourses, and clear 28 acres of inland wetlands to construct and operate the Middletown to Norwalk 345-kV Transmission Line Project.

**Long Brook (Stratford):** install by jack-and-bore method eight (8) 8-inch (8") nominal size PVC ducts six (6) with a single 3000 kcmil copper conductor cable, two spares, two (2) four-inch (4") PVC communication ducts and two (2) four-inch (4") PVC ducts for ground conductors within Barnum Avenue located below the existing culverts;

**Bruce Brook (Bridgeport):** install by jack-and-bore method eight (8) 8-inch (8") nominal size PVC ducts six (6) with a single 3000 kcmil copper conductor cable, two spares, two (2) four-inch (4") PVC communication ducts and two (2) four-inch (4") PVC ducts for ground conductors within Barnum Avenue located below the two existing culverts; and

**Stony Brook (Westport):** install by open trench method six (6) 8-inch (8") nominal size PVC ducts each with a single 3000 kcmil copper conductor cable, two (2) four-inch (4") PVC communication ducts and two (2) two-inch (2") conduits for ground conductors below the existing channel that carries Stony Brook.

### **Tidal**

The Permittees are hereby authorized to conduct the following work as described in application #200402101-MG, in order to install, construct, and operate 69 miles of new 345-kilovolt ("kV") alternating current ("AC") transmission line (consisting of both overhead and underground lines located predominantly within existing rights-of-way) and associated substation and switching station facilities between Middletown and Norwalk. Approximately 45 miles of proposed overhead transmission lines will be installed between Middletown and Milford and approximately 24 miles of proposed underground solid dielectric transmission cables will be installed from Milford to Norwalk. The work described in application #200402101-MG includes thirty-six (36) sheets of plans, Housatonic River - sheets 1, 3, 4 and 5 of 5 dated April 14, 2005, sheet 2 of 5 dated August 17, 2005 Pequonnock River - sheets 1, 3, 4 and 5 of 5 dated April 14, 2005, revised April 15, 2005, sheet 3 of 5 dated August 17, 2005; Ash Creek - sheets 1 and 5 of 5 dated April 12, 2005, revised December 1, 2006, sheet 2 of 5 dated August 17, 2005, revised December 1, 2006, sheets 3 and 4 of 5 dated April 14, 2005, revised December 1, 2006; Mill River - sheets 1 through 4 of 4 dated December 1, 2006; Saugatuck River - sheets 1, 3, 4 and 5 of 5 dated April 14, 2005, sheet 2 of 5 dated August 17, 2005; Yellow Mill Creek - sheets 1 and 4 of 4 dated April 12, 2005, sheet 2 of 4 dated December 22, 2005, sheet 3 of 4 dated January 4, 2006; Turney Creek - sheet 1 of 2 dated April 12, 2005, sheet 2 of 2 dated April 29, 2005, a plan entitled "Utility Bridge Duct Bank Details and Utility Crossing Detail" dated November 9, 2005 and a plan entitled "Town of Fairfield Route Plan and Profile Sta. 603+00 to 612+00" dated August 15, 2005; Sasco Creek - sheets 1 through 4 of 4 dated December 1, 2006, submitted by the Permittees to the Commissioner and attached hereto and further described below:

**Housatonic River (Milford/Stratford):** install by horizontal direction drill ("HDD") method two (2) 42-inch (42") outer-diameter ("OD") holes with four (4) 10-inch (10") OD pipes, three (3) of which will have the cross-linked polyethylene ("XLPE") insulated cable, the other used as a spare and a duct containing fiber optic cables by HDD method a total of 1,420 feet, of which approximately 1,103 feet (length of the southern bore) and 1,048 feet (length of the northern bore) is located waterward of the high tide line and will be a minimum of 15 feet below the depth of the Federal Navigation Channel of -18 feet mean low water ("MLW");

**Pequonnock River (Bridgeport):** install by HDD two (2) 42-inch (42") OD holes with four (4) 10-inch (10") OD pipes, three (3) of which will have the XLPE cable, the other used as a spare and a duct containing fiber optic cables by HDD method a total of 700 feet, of which approximately 444 feet (length of the southern bore) and 440 feet (length of the northern bore) is located waterward of the high tide line and will be a minimum of 15 feet below the depth of the Federal Navigation Channel of -18 feet MLW;

**Ash Creek (Bridgeport/Fairfield):** install two HDD drills within the Route 130 roadway including a duct bundle of four (4) ten-inch (10") HDPE conduits and one (1) eight-inch (8") HDPE conduit within each drill path. Three (3) XLPE cables will be installed within the ten-inch (10") conduits and communications fibers will be installed within the (1) eight-inch (8") HDPE conduit. The HDD paths will have an entry and exit point within the Route 130 roadway. The drill paths will traverse under the existing roadway bridge abutments. The drill path is approximately four hundred ninety feet (490') in horizontal length of which approximately sixty five feet (65') is waterward of high tide line and will be a minimum of twenty-five feet (25') below the channel bottom;

**Mill River (Fairfield):** install six (6) eight-inch (8"), two (2) two-inch (2") and two (2) four-inch (4") fiberglass conduits between the existing bridge girders within a constructed hanger system. The conduits will traverse within the Route 1 roadway through the existing abutments. Six (6) XLPE cables will be installed within the six (6) eight-inch (8") fiberglass conduits, communications fibers will be installed within the two (2) two-inch (2") conduits and ground conductors may be installed in the two (2) four-inch (4") fiberglass conduits;

**Saugatuck River (Westport):** install by horizontal direction drill method two (2) 42-inch (42") OD holes with four (4) 10-inch (10") OD pipes, three (3) of which will have the XLPE cable, the other used as a spare and a duct containing fiber optic cables by horizontal direction drill method a total of 1,627 feet, of which approximately 1,136 feet (length of the southern bore) and 1,117 feet (length of the northern bore) is located waterward of the high tide line and will be 25 feet below MLW;

**Sasco Creek (Fairfield/Westport):** install six (6) eight-inch (8"), two (2) two-inch (2") and two (2) four-inch (4") fiberglass conduits between the existing bridge girders within a constructed hanger system. The conduits will traverse within the Route 1 roadway through the existing abutments. Six (6) XLPE cables will be installed within the six (6) eight-inch (8") fiberglass conduits, communications fibers will be installed within the two (2) two-inch (2") conduits and ground conductors may be installed in the two (2) four-inch (4") fiberglass conduits;

**Turney Creek (Fairfield):** install by open trench method six (6) 8-inch (8") nominal size PVC ducts each with a single 3000 kcmil copper conductor cable, two (2) 3-inch (3") PVC communication ducts and two (2) small PVC ducts for ground conductors within the existing roadway located above an existing concrete culvert that carries Turney Creek;

**Yellow Mill Creek (Bridgeport):** install by jack-and-bore method a 60-inch (60") OD casing containing six (6) 8-inch (8") nominal size PVC ducts each with a single 3000 kcmil copper conductor cable, two (2) 3-inch (3") PVC communication ducts and two (2) small PVC ducts for ground conductors within Barnum Avenue located below the existing culverts that carry Yellow Mill Creek;

**This authorization also includes any temporary staging, water handling and other disturbance as may be required for construction and that is described in the application or specifically authorized pursuant to Special Term and Conditions.**

**UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEES ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.**

**SPECIAL TERMS AND CONDITIONS**

1. Except as specifically authorized by this permit, no equipment or material including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.
2. At no time shall heavy equipment, including but not limited to excavators, front-end loaders, trucks, backhoes, tractors and other non-low pressure equipment be staged waterward of the high tide line or in tidal wetlands.
3. The issuance of this permit does not relieve the Permittees of their obligations to obtain any other approvals required by applicable federal, State and local law, including discharge permits for water handling.
4. A complete copy of this permit, including its drawings, special conditions, and any amendments, shall be maintained at the work site whenever work is being performed. The Permittees shall assure that all contractors, subcontractors and other personnel performing the authorized work are fully aware of all permit terms and conditions.
5. All in-water work authorized herein for the Housatonic River, Pequonnock River, Saugatuck River and Ash Creek, including excavation, dredging, filling, removal of debris or other material is prohibited between June 1<sup>st</sup> through September 30<sup>th</sup>, inclusive, of any year in order to protect spawning shellfish in the area, unless otherwise authorized in writing by the Commissioner.
6. Prior to the commencement of the work authorized herein, the Permittees shall post a performance bond or other financial surety in the amount of two million seven hundred and forty-eight thousand dollars (\$2,748,000.00) in favor of the Commissioner in order to secure the performance of all directional drilling work authorized herein in accordance with the terms and conditions of this permit. Prior to posting such surety, the Permittees shall submit to the Commissioner for her review and written approval the form and terms of such surety. Such surety shall only be released upon completion of the work



authorized herein and upon written approval of the Commissioner.

7. The document entitled "Monitoring and Operations Plan" prepared by the Permittees and submitted to the Commissioner on March 8, 2006 establishing those actions to be taken in the event of a bentonite release during directional drilling operations is incorporated herein by reference. The Permittees shall maintain a copy of this plan at the work site at all times and shall ensure that all contractors and subcontractors comply with its terms.
8. In the event of a detectable bentonite release, the procedures identified in Condition #3 described in the "Monitoring and Operations Plan" incorporated herein by reference, shall be implemented throughout the duration of the work authorized herein and shall not be ended until after construction has been completed, the site has been stabilized, all remediation efforts have been completed, and removal of the containment system has been approved in writing by the Commissioner.
9. At the end of the useful life of the cable, the Permittees shall remove the cable from the waters of the State of Connecticut and dispose of said cable in accordance with all applicable guidelines and necessary authorizations.
10. The Permittees shall implement the Utility Right-of-Way ("ROW") Enhancement/Mitigation Plan for Eisenhower Park in Milford, Connecticut on 20.24 acres of the ROW as shown on the plan entitled, "CL&P Right-of-Way Enhancement/Mitigation Plan, Eisenhower Park" dated November 27, 2006, prepared by Vollmer Associates, LLP.
11. The Permittees shall implement the Wetland Invasive Species Control Plan entitled, "Wetland Invasive Species Control Plan for the Middletown-Norwalk 345-kV Transmission Line Project", dated October 2006, revised through November 30, 2006.
12. Deed restrictions shall be placed on the lands identified in the draft easements and license documents including:
  - a) The License agreement between The City of Milford and CL&P to construct the 2.4 acre wetland at Eisenhower Park;
  - b) The License agreement between the City of Milford and CL&P to perform conservation easements and special access road construction on CL&P's ROW within Eisenhower Park;
  - c) The Amendment of Easements and Grant of Conservation Restrictions between The City of Milford and CL&P for ROW conservation areas;
  - d) The Grant of Conservation Restrictions between The City of Milford and a third party for off ROW Wetland Creation Area, Eisenhower Park; and
  - e) The Grant of Conservation Restriction between CL&P and The Connecticut Forest and Park Association for 74 acres of Grantor land located in Maromas section of Middletown.The deed restrictions and/or restrictive covenants for these sites shall be submitted in

draft form to the Commissioner for review and approval within one-hundred and twenty (120) days of permit issuance. The Permittees shall be required to execute the approved documents within ninety (90) days of the Commissioner's approval of the draft deed restrictions and/or restrictive covenants.

13. All areas of inland wetlands that are temporarily disturbed during construction, shall be restored to their approximate original elevation (but not higher) and condition by careful protection, and/or removal and replacement, of existing soil and vegetation. In addition, if upland clearing, grubbing or other construction activity results in, or may result in soil erosion with transport and deposition into an inland wetland or waterway, devices such as geotextile silt fences, sediment trenches, etc. shall be installed and properly maintained to minimize such impacts during construction.
14. The Permittees shall conduct instream work in Stony Brook during the "low flow" period from June 1<sup>st</sup> through September 30<sup>th</sup>, inclusive of any calendar year, to minimize impacts to resident finfish.
15. The Permittees shall restore the Stony Brook streambed to pre-construction conditions, with the noted exception that any existing concrete blocks in the river must be removed and replaced with rocks of similar size and characteristic of the existing streambed.
16. By the expiration date of this permit, the Permittees shall replant the disturbed upland areas adjacent to the reconstructed masonry walls at the Stony Brook crossing with native plants suitable for a riparian zone.
17. The Permittees shall submit photographic documentation taken before and after construction activities that shows pre- and post- (restored) streambed conditions of the Stony Brook shall be submitted for review and written approval of the Commissioner. The format and photographic location for said documentation shall be coordinated with the DEP Fisheries Division.
18. The Permittees shall flag any existing tidal wetland vegetation within the work zone limits so as to be readily identifiable by contractor personnel until the work authorized hereunder is completed and shall install protective fencing or other significant barriers to ensure that such vegetation shall not be adversely impacted during the work authorized herein.
19. Prior to commencement of the work authorized herein, the Permittees shall install and maintain erosion and sediment controls designed in accordance with the 2002 Connecticut Erosion and Sediment Control Guidelines and shall continue to maintain such controls in good operating condition for the construction period of the project or until the site is stabilized.
20. Prior to commencement of the work authorized at the Mill River site, the Permittees shall

coordinate with the DEP Bureau of Water Protection and Land Reuse, Planning and Standards Division, Aquatic Toxicity Section (contact: Traci Iott) to develop a plan for the timing of the project at the site for the Commissioner's review and written approval. Should the Commissioner determine that a remediation plan is required, such plan shall be submitted in writing for the Commissioner's review and written approval.

21. All waste material generated by the work authorized herein shall be disposed of at an approved upland location landward of the high tide line and outside of any tidal wetland vegetation.
22. Not later than two (2) weeks prior to the commencement of any work authorized herein, the Permittees shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
23. On or before (a) ninety (90) days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one-year extension thereof, whichever is earlier, the Permittees shall submit to the Commissioner as-built plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all contours, bathymetries, tidal datums and structures.
24. At least ninety (90) days before anticipated commencement of work at a specific site, the permittee shall submit for review and written approval, a plan for any temporary access, staging, or water handling required that is not specifically described in the application or shown on the plans.

#### **GENERAL TERMS AND CONDITIONS**

1. All work authorized by this permit shall be completed within five (5) years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
2. The Permittees may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least thirty (30) days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request at her sole discretion.
3. Any work authorized herein conducted after said work completion date or any authorized one-year extension thereof is a violation of this permit and may subject the Permittees to enforcement action, including penalties, as provided by law.
4. This Section 401 certificate shall expire upon the expiration of the U.S. Army Corps of

Engineers ("USACOE") Section 404 permit for the same activity.

5. In constructing or maintaining the activities authorized herein, the Permittees shall employ best management practices, consistent with the terms and conditions of this certificate, to control storm water discharges and erosion and sedimentation and to prevent pollution. Such practices to be implemented by the Permittees at the site include, but are not necessarily limited to:
  - a. Prohibiting dumping of any quantity of oil, chemicals or other deleterious material on the ground;
  - b. Immediately informing the Commissioner's Oil and Chemical Spill Response Division at (860) 424-3338 (24 hours) of any adverse impact or hazard to the environment, including any discharges, spillage, or loss of oil or petroleum or chemical liquids or solids, which occurs or is likely to occur as the direct or indirect result of the activities authorized herein;
  - c. Separating staging areas at the site from the regulated areas by silt fences or straw/hay bales at all times;
  - d. Prohibiting storage of any fuel and refueling of equipment within twenty-five (25) feet from any wetland or watercourse;
  - e. Preventing pollution of wetlands and watercourses in accordance with the document "Connecticut Guidelines for Soil Erosion and Sediment Control" as revised. Said controls shall be inspected by the Permittees for deficiencies at least once per week and immediately after each rainfall and at least daily during prolonged rainfall. The Permittees shall correct any such deficiencies within forty-eight (48) hours of said deficiencies being found;
  - f. Stabilizing disturbed soils in a timely fashion to minimize erosion. If a grading operation at the site will be suspended for a period of thirty (30) or more consecutive days, the Permittees shall, within the first seven (7) days of that suspension period, accomplish seeding and mulching or take such other appropriate measures to stabilize the soil involved in such grading operation. Within seven (7) days after establishing final grade in any grading operation at the site the Permittees shall seed and mulch the soil involved in such grading operation or take such other appropriate measures to stabilize such soil until seeding and mulching can be accomplished.
  - g. Prohibiting the storage of any materials at the site which are buoyant, hazardous, flammable, explosive, soluble, expansive, radioactive, or

which could in the event of a flood be injurious to human, animal or plant life, below the elevation of the five hundred (500) year flood. Any other material or equipment stored at the site below said elevation by the Permittees or the Permittees' contractor must be firmly anchored, restrained or enclosed to prevent flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day.

- h. Immediately informing the Commissioner's Office of Long Island Sound Programs at (860) 424-3034 or Inland Water Resources Division at (860) 424-3019 and the U.S. Army Corps of Engineers' Permit Compliance Section at (617) 647-8674, of the occurrence of pollution or other environmental damage resulting from construction or maintenance of the authorized activity or any construction associated therewith in violation of this certificate. The Permittees shall, no later than forty-eight (48) hours after the Permittees learn of a violation of this certificate, report same in writing to the Commissioner. Such report shall contain the following information:
- (i) the provision(s) of this certificate that has been violated;
  - (ii) the date and time the violation(s) was first observed and by whom;
  - (iii) the cause of the violation(s), if known
  - (iv) if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
  - (v) if the violation(s) has not ceased, the anticipated date when it will be corrected;
  - (vi) steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
  - (vii) the signatures of the Permittees and of the individual(s) responsible for actually preparing such report, each of whom shall certify said report in accordance with section 7 of this certificate.
  - (viii) For information and technical assistance, contact the Inland Water Resources Division at (860) 424-3019.

6. In conducting the work authorized herein, the Permittees shall not deviate from the

attached plans, as may be modified by this permit. The Permittees shall not make de minimis changes from said plans without prior written approval of the Commissioner.

7. The Permittees shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable laws including, but not limited to, CGS Sections 22a-28 through 22a-35 and CGS Sections 22a-359 through 22a-363f.
8. Prior to the commencement of any work authorized herein, the Permittees shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittees shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
9. In undertaking the work authorized hereunder, the Permittees shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit "pollution" means "pollution" as that term is defined by CGS Section 22a-423.
10. Upon completion of any work authorized herein, the Permittees shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
11. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:  
  
Permit Section  
Office of Long Island Sound Programs  
Department of Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106-5127
12. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
13. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the

purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittees shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.

14. This permit may be revoked, suspended, or modified in accordance with applicable law.
15. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittees' obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
16. The Permittees shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
17. In granting this permit, the Commissioner has relied on representations of the Permittees, including information and data provided in support of the Permittees' application. Neither the Permittees' representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
18. In the event that the Permittees become aware that they did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittees shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittees shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittees shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittees shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
19. In evaluating the application for this permit, the Commissioner has relied on information and data provided by the Permittees and on the Permittees' representations concerning site conditions, design specifications and the purpose of the work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this

permit may be modified, suspended or revoked, and the Permittees may be subject to enforcement action.

20. The Permittees may not conduct any work waterward of the high tide line or in tidal wetlands at this work area other than work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS Section 22a-359 et. seq. and/or CGS Section 22a-32 et. seq.
21. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittees and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
22. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, State or local laws or regulations pertinent to the property or activity affected hereby.



Issued on \_\_\_\_\_, 2007.

STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

---

**Gina McCarthy**  
**Commissioner**

**Permit #200402101-MG**, Bethany, Bridgeport, Cheshire, Durham, Fairfield, Haddam, Hamden, Meriden, Middlefield, Middletown, Milford, Norwalk, Orange, Stratford, Wallingford, West Haven, Westport, and Woodbridge

CL&P and UI

**APPENDIX A**

**TO: Permit Section  
Department of Environmental Protection  
Office of Long Island Sound Programs  
79 Elm Street  
Hartford, CT 06106-5127**

**PERMITTEES:** The Connecticut Light and Power Company  
c/o Anne Bartosewicz  
107 Selden Street  
Berlin, CT 06037  
and  
The United Illuminating Company  
c/o John Prete  
157 Church Street  
P.O. Box 1564  
New Haven, CT 06506

**PERMIT NO.:** 200402101-MG, Bethany, Bridgeport, Cheshire, Durham, Fairfield, Haddam, Hamden, Meriden, Middlefield, Middletown, Milford, Norwalk, Orange, Stratford, Wallingford, West Haven, Westport, and Woodbridge

**CONTRACTOR 1:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone #: \_\_\_\_\_

**CONTRACTOR 2:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone #: \_\_\_\_\_

**CONTRACTOR 3:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone #: \_\_\_\_\_

**EXPECTED DATE OF COMMENCEMENT OF WORK:** \_\_\_\_\_

**EXPECTED DATE OF COMPLETION OF WORK:** \_\_\_\_\_

**PERMITTEES:** \_\_\_\_\_ (signature) \_\_\_\_\_ (date)