



**CONNECTICUT DEPARTMENT OF
ENERGY & ENVIRONMENTAL PROTECTION
OFFICE OF ENVIRONMENTAL REVIEW
79 ELM STREET, HARTFORD, CT 06106-5127**

To: Zach Hyde - Policy and Communications Associate
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Date: March 19, 2015 **E-Mail:** david.fox@ct.gov

Subject: Property Acquisition, Milford

The Department of Energy and Environmental Protection (DEEP) has reviewed the Notice of Scoping for proposed funding for the acquisition of property to be utilized for transit-oriented development in Milford. In general, the Department supports efforts to increase the demand for public transportation through transit-oriented development. The increased use of public transit will reduce vehicle miles traveled and highway congestion, thus decreasing vehicular emissions that contribute to ozone formation, particulate matter levels and climate change. Redevelopment and revitalization of urban centers, expansion of housing opportunities and concentrating development around transportation nodes are three growth management principles of *Conservation & Development Policies: The Plan for Connecticut 2013 - 2018*. The following comments are submitted for your consideration.

The eastern boundary of the project area runs along the 100-year flood zone of the Wepawaug River on the community's Flood Insurance Rate Map. The 500-year flood zone extends less than 100 feet into the eastern portion of the property. The funding for property acquisition is not considered to be a state action pursuant to section 25-68b(8) of the Connecticut General Statutes (CGS), so that flood management certification would not be required. However, any subsequent funding for development that involves any construction within the 100-year flood zone or residential construction within the 500-year flood zone would require certification.

The Natural Diversity Data Base, maintained by DEEP, contains no records of extant populations of Federally listed endangered or threatened species or species listed by the State, pursuant to section 26-306 of the CGS, as endangered, threatened or special concern in the project area. This information is not the result of comprehensive or site-specific field investigations. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern as well as enhance existing data. Such new information is incorporated into the Data Base as it becomes available. Also be advised that this is a preliminary review and not a final determination. A more detailed review may be conducted as part of any subsequent environmental permit applications submitted to DEEP for the proposed site.

The portion of the project area formed by parcels 6, 7 and 8 is within Connecticut's coastal boundary as defined by section 22a-94 of the CGS and is subject to the provisions of the Connecticut Coastal Management Act (CCMA), sections 22a-90 through 22a-112. The site is

not a waterfront property and does not possess sensitive coastal resources. Coastal management concerns which should be addressed in future phases of the project planning process are the appropriate use of urban retrofit stormwater best management practices, wherever possible, and potential mobilization of pollutants in contaminated soils.

In keeping with the Department's interest in furthering the use of alternate fuels for transportation purposes, we recommend that Level 2 electric vehicle charging stations be included at 3% of the parking spaces in the project design. Increasing the availability of public charging stations will facilitate the introduction of the electric vehicle technology into the state and serve to alleviate the present energy dependence on petroleum and improve air quality. Additional information concerning electric vehicle charging solutions, including incentive programs, can be found on-line at: [EV Connecticut](#).

The following standard comments, including recommendations regarding stormwater management, building demolition and urban redevelopment, are submitted your information and should be made available to the grantee.

The Department strongly supports the use of low impact development (LID) practices such as water quality swales and rain gardens for infiltration of stormwater on site. Key strategies for effective LID include: managing stormwater close to where precipitation falls; infiltrating, filtering, and storing as much stormwater as feasible; managing stormwater at multiple locations throughout the landscape; conserving and restoring natural vegetation and soils; preserving open space and minimizing land disturbance; designing the site to minimize impervious surfaces; and providing for maintenance and education. Water quality and quantity benefits are maximized when multiple techniques are grouped together. Consequently, we typically recommend the utilization of one, or a combination of, the following measures:

- the use of pervious pavement or grid pavers (which are very compatible for parking lot and fire lane applications), or impervious pavement without curbs or with notched curbs to direct runoff to properly designed and installed infiltration areas,
- the use of vegetated swales, tree box filters, and/or infiltration islands to infiltrate and treat stormwater runoff (from building roofs, roads and parking lots),
- the minimization of access road widths and parking lot areas to the maximum extent possible to reduce the area of impervious surface,
- if soil conditions permit, the use of dry wells to manage runoff from the building roofs,
- the use of vegetated roofs (green roofs) to reduce the runoff from buildings,
- incorporation of proper physical barriers or operational procedures to prevent release of pollutants from special activity areas (e.g. loading docks, maintenance and service areas, dumpsters),
- the installation of rainwater harvesting systems to capture stormwater from building roofs for the purpose of reuse for irrigation, and
- providing for pollution prevention measures to reduce the introduction of pollutants to the environment.

The effectiveness of various LID techniques that rely on infiltration depends on the soil types present at the site. According to the Natural Resources Conservation Service's Soil Web Survey (available on-line at: [Web Soil Survey](#)), the soils at the property consist of urban land

complexes. These soils are unrated in their suitability for various stormwater management practices. However, infiltration practices may be suitable at this site. Soil mapping consists of a minimum 3 acres map unit and soils may vary substantially within each mapping unit. Test pits should be dug in areas planned for infiltration practices to verify soil suitability and/or limitations. Planning should insure that areas to be used for infiltration are not compacted during the construction process by vehicles or machinery. The siting of areas for infiltration must also consider any existing soil or groundwater contamination. Even if infiltration is limited at a site, it is still possible to implement LID practices such as green roofs on buildings or the use of cisterns to capture and reuse rainwater.

The Department has compiled a listing of web resources with information about watershed management, green infrastructure and LID best management practices. It may be found on-line at: [LID Resources](#).

Prior to the demolition of any commercial, industrial or public buildings or buildings containing five or more residential units, they must be inspected for asbestos-containing materials and any such materials must be removed. Written notice must be submitted to the Department of Public Health 10 working days prior to demolition in accordance with Section 19a-332a-3 of the Regulations of Connecticut State Agencies, for buildings involving more than 10 linear feet or more than 25 square feet of asbestos-containing material. For further information, contact DPH at (860) 509-7367. Additional information concerning regulation of asbestos may be found at: [Asbestos Program](#). The National Emissions Standards for Hazardous Air Pollutants (40 CFR 61.145) also requires that the Federal EPA be notified 10 working days prior to demolition for those buildings not meeting the DPH reporting threshold. For further information, contact the EPA at 617-918-1650.

The disposal of material containing asbestos requires the approval of the Waste Engineering and Enforcement Division pursuant to section 22a-209-8(i) of the Regulations of Connecticut State Agencies. Proper disposal technique requires that the material be bagged and labeled and placed in an approved secure landfill. For further information, contact the division at 860-424-3366. A fact sheet regarding disposal of special wastes and the authorization application form may be obtained at: [Special Waste Fact Sheet](#).

The disposal of demolition waste should be handled in accordance with applicable solid waste statutes and regulations. Demolition debris may be contaminated with asbestos, lead-based paint or chemical residues and require special disposal. Clean fill is defined in section 22a-209-1 of the Regulations of Connecticut State Agencies (RCSA) and includes only natural soil, rock, brick, ceramics, concrete and asphalt paving fragments. Clean fill can be used on site or at appropriate off-site locations. Clean fill does not include uncured asphalt, demolition waste containing other than brick or rubble, contaminated demolition wastes (e.g. contaminated with oil or lead paint), tree stumps, or any kind of contaminated soils. Landclearing debris and waste other than clean fill resulting from demolition activities is considered bulky waste, also defined in section 22a-209-1 of the RCSA. Bulky waste is classified as special waste and must be disposed of at a permitted landfill or other solid waste processing facility pursuant to section 22a-208c of the Connecticut General Statutes and section 22a-209-2 of the RCSA. Additional information concerning disposal of demolition debris is available on-line at: [Demolition Debris](#).

Construction and demolition debris should be segregated on-site and reused or recycled to the greatest extent possible. Waste management plans for construction, renovation or demolition projects are encouraged to help meet the State's reuse and recycling goals. The *State Solid Waste Management Plan* outlines a goal of 58% recovery rate for municipal solid waste by the year 2024. Part of this effort includes increasing the amount of construction and demolition materials recovered for reuse and recycling in Connecticut. It is recommended that contracts be awarded only to those companies who present a sufficiently detailed construction/demolition waste management plan for reuse/recycling. Additional information concerning construction and demolition material management and waste management plans can be found on-line at: [C&D Material Management](#) and [C&D Waste Management Plans](#).

A site in an historical urbanized area may have existing or potential environmental problems that have not been detected or resulted in regulatory action by the Department. In order to confirm that the subject property has not been the site of improper disposal of waste or does not contain some other environmental liabilities, it is suggested that an environmental or engineering consultant be retained to conduct a site investigation and sampling/testing, as appropriate. The investigation should include an inquiry into the historic uses and fuel storage on the property to assess the likelihood of encountering solid or hazardous waste or soil contamination. In order to ascertain the environmental status of properties, it is typically recommended that a Phase I environmental site assessment (ESA) be performed at the site. If the Phase I ESA indicates site contamination is likely, a Phase II ESA should be performed to confirm or deny the presence of contamination. In order to achieve proper remediation, the extent of contamination should be clearly defined through a Phase III ESA, a cleanup plan developed, and measures implemented that will clean up the site in accordance with applicable criteria in the Connecticut Remediation Standard Regulations adopted pursuant to section 22a-133k of the Connecticut General Statutes. For further information, contact the Remediation Division at 860-424-3705. The Connecticut Remediation Standard Regulations are available on-line at: [Remediation Regulations](#).

Development plans in urban areas that entail soil excavation should include a protocol for sampling and analysis of potentially contaminated soil. Soil with contaminant levels that exceed the applicable criteria of the Remediation Standard Regulations, that is not hazardous waste, is considered to be special waste. The disposal of special wastes, as defined in section 22a-209-1 of the Regulations of Connecticut State Agencies (RCSA), requires written authorization from the Waste Engineering and Enforcement Division prior to delivery to any solid waste disposal facility in Connecticut. If clean fill is to be segregated from waste material, there must be strict adherence to the definition of clean fill, as provided in Section 22a-209-1 of the RCSA. A fact sheet regarding disposal of special wastes and the authorization application form may be obtained at: [Special Waste Fact Sheet](#).

The Waste Engineering & Enforcement Division has issued a *General Permit for Contaminated Soil and/or Sediment Management (Staging & Transfer)* (DEP-SW-GP-001). It establishes a uniform set of environmentally protective management measures for stockpiling soils when they are generated during construction or utility installation projects where contaminated soils are typically managed (held temporarily during characterization procedures to determine a final disposition). Temporary storage of less than 1000 cubic yards of contaminated soils (which are not hazardous waste) at the excavation site does not require registration, provided that activities are conducted in accordance with the applicable conditions of the general

permit. Registration is required for on-site storage of more than 1000 cubic yards for more than 45 days or transfer of more than 10 cubic yards off-site. A fact sheet describing the general permit, a copy of the general permit and registration forms are available on-line at: [Soil Management GP](#).

Thank you for the opportunity to review this proposal. If you have any questions concerning these comments, please contact me.

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