

DOCKET NO. 134 - An application of Iroquois Gas Transmission System, L. P., for a Certificate of Environmental Compatibility and Public Need to construct, operate, and maintain an Interstate Natural Gas Transmission Pipeline from Sherman to Milford and Long Island Sound.

Connecticut

Siting

Council

ORIGINAL

October 11, 1990

DECISION AND ORDER

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) believes that the following conditions, Development and Management (D&M) Plan, specified route and variations, construction techniques, schedule, inspection program, and submittal of permits can mitigate the effects associated with the construction, operation, and maintenance of the Connecticut section of the proposed natural gas transmission line, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife; the effects are not excessive either alone or cumulatively with other effects, need not be in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application; and that if approved by the Federal Energy Regulatory Commission (FERC), the location of the pipeline would not pose an undue hazard to persons or property along the area traversed by the line. The Council therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by Section 16-50k of the General Statutes of Connecticut (CGS), be issued to Iroquois Gas Transmission System L.P., for the proposed construction, operation, and maintenance of the Connecticut portion of the proposed transmission line facility.

If approved by the FERC, the proposed transmission line shall be constructed, operated, and maintained substantially as proposed in the application subject to the following conditions, D&M Plan, specified pipeline route and variations, construction techniques, schedule, inspection program, and submittal of permits.

I. Conditions

1. The width of the right-of-way for construction shall be limited to 75 feet in non-agricultural areas and 100 feet in agricultural areas. The width of the permanent right-of-way in all areas shall be limited to 50 feet. The Certificate Holder shall not perform maintenance to vegetation beyond 15 feet of either side of the pipeline unless agreed upon by the property owner. Special exceptions to these right-of-way limitations may be granted by the Council within a D&M Plan, so long as the

width of the construction right-of-way does not exceed 100 feet, the width of the permanent right-of-way does not exceed 60 feet, and maintenance of vegetation on either side of the pipeline does not go beyond 25 feet unless agreed upon by the property owner.

2. No storage of hazardous materials, chemicals, fuels, oils, or cement shall be allowed within 100 feet of any watercourse or wetland.
3. Staging areas for construction materials shall be at least 50 feet from any watercourse or wetland.
4. The main valves and sales meter stations shall be screened with appropriate vegetation to the greatest extent possible and located in areas which minimize visual intrusion and effects on wetlands and watercourses, subject to approval by the Council in a D&M Plan.
5. All excess trench spoils shall be properly handled or disposed of at an approved landfill, sold, or given to the landowner whose land is traversed by the pipeline, subject to approval by the Council in a D&M Plan.
6. Vegetation within the permanent right-of-way shall be maintained by mechanical means only. No herbicides shall be used under any circumstances.
7. All disturbed areas within the construction right-of-way, but outside of the permanent right-of-way shall be restored to original conditions if requested by the property owner, or revegetated with indigenous plant species, wildlife food species, or soil stabilization species. All restoration methods, vegetation types, planting rates, maintenance practices, and locations shall be subject to Council approval as part of a D&M Plan.
8. All construction in wetland and agricultural areas shall be performed on mats, work pads, and/or with low soil compaction equipment.
9. Blasting shall not be performed any closer than 50 feet of any permanent structure or water supply well unless specifically authorized by the Council in a D&M Plan.
10. All blasting shall be performed by a licensed contractor under the regulation of the State Fire Marshal. All charges shall employ delayed detonation or other acceptable practices to reduce the total acoustical shock wave intensity. When blasting is required in or nearby game fish producing watercourses, when appropriate, a scare charge shall be used prior to each primary detonation.
11. The Certificate Holder shall use directional boring to cross under the Housatonic River unless an alternative

construction method is specifically authorized by the Council in a D&M Plan.

12. The Certificate Holder shall monitor the pre- and post-construction conditions of oyster beds in the Housatonic River and Long Island Sound. If necessary, the Certificate Holder shall, after consultation with the Connecticut Department of Agriculture, Division of Aquaculture, promptly restore all oyster beds to pre-construction conditions prior to the completion of construction.
13. All water from trench dewatering operations shall be discharged into properly designed sediment basins or specified containment areas to still sediment and dissipate energy before final discharge to natural watercourses.
14. Hydrostatic testing water withdrawal shall be performed only when there is an adequate volume of water such that its withdrawal would not cause the flow in a stream or river to go below its aquatic base flow as determined by the Department of Environmental Protection (DEP). All withdrawal points shall be channeled and screened to reduce impingement and entrainment of juvenile and larval fish. All discharge points shall be protected to minimize potential erosion and scour of the water source. All details on withdrawal points, discharge points, energy defusion, and screening shall be subject to Council approval as part of a D&M Plan.
15. No construction shall be initiated until a properly designed soil erosion and sedimentation control plan is in effect. Such plan shall be subject to Council approval as part of a D&M Plan.
16. All right-of-ways that traverse undeveloped land shall be controlled to limit unauthorized access. Such controls shall be planned by the Certificate Holder after consultation with the property owner, and shall be subject to approval by the Council in a D&M Plan.
17. Construction of the pipeline shall minimize the interruption of access through or to recreational areas and hiking trails.
18. Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within three years of the issuance of this Decision and Order, or within three years of the completion of any appeal taken in this Decision and Order.

II. Development and Management Plan

Prior to the commencement of construction the Certificate Holder shall submit the following plans as part of an overall D&M Plan to the Council for its approval. The Council shall have 45 days to approve, disapprove, or approve with conditions any plan submitted as part of the overall D&M Plan. The Certificate Holder shall provide copies of such plans to the Chief Elected Official or that person's representative of each town through which the pipeline passes at least 20 days prior to the submittal of such plan to the Council for its approval. At the time the Certificate Holder submits such plan or plans to the Council for its approval, the Chief Elected Official or that person's representative of any town through which the pipeline passes may provide in writing its comments and recommendations regarding such plan to the Council. All submittals to the Council shall consist of an original and 20 copies. All appropriate plans and maps are to be provided on maps at a scale of at least 1 inch to 200 foot unless less detailed maps plans are specifically authorized by the Council. The Certificate Holder may consult with Council staff in the preparation of the D&M Plan.

Plans Required

1. A final construction plan which identifies the location of the final route, right-of-way requirements, blasting procedures and locations, spoil sites, right-of-way access controls, main valves, sales meter stations, pig launch/receive site and all hydrologic, topographic, biologic, and cultural features within the proposed right-of-way.
2. An erosion and sedimentation control plan documented by the U. S. Soil Conservation Service as consistent with the provisions of the Connecticut Guidelines for Soil Erosion and Sedimentation Control, as amended.
3. A revegetation and vegetation maintenance plan giving preference to indigenous species, species which provide food for wildlife, soil stabilization species, and native wetland species reestablished as part of an organic block replacement method. All vegetation types, planting rates, maintenance practices, and locations shall be determined and specified in consultation with landowners whose property is traversed by the pipeline.
4. A plan to identify, mark, and protect any unique or specimen trees located in or immediately adjacent to the right-of-way. This plan shall be performed in consultation with landowners whose property is traversed by the pipeline. The plan shall also identify restoration measures if such trees are damaged or killed.
5. A pre- and post-construction groundwater monitoring plan to establish base line conditions of water quality and

quantity within all public and private water supply wells and high-yielding aquifers within 300 feet of the pipeline. Mitigation measures and restoration plans shall also be provided in the event such water quality or quantity is diminished as a result of construction of the pipeline.

6. A marine monitoring plan to identify pre- and post-construction water quality and benthic conditions within Long Island Sound. The plan shall also address mitigation measures to minimize the effects associated with the construction of the pipeline in Long Island Sound.
7. A plan to measure and monitor the pre- and post-construction conditions of oyster beds in the Housatonic River and Long Island Sound. The plan shall also identify restoration measures to be performed after consultation with the Connecticut Department of Agriculture, Division of Aquaculture, in the event of damage to such oyster beds.
8. A plan locating and managing all staging areas and temporary trench spoil areas. All staging areas shall be at least 50 feet from all watercourses and wetland areas and positioned to minimize erosion and other effects on watercourses and wetlands. All temporary spoil piles shall be located to the greatest extent practical outside of all watercourses and wetlands and be positioned in a manner to minimize erosion and prevent sedimentation to the wetland and watercourse area.
9. A spill prevention, control, and containment plan shall be provided to prevent, control, and contain any spills of fuel, oil, or chemicals in or near aquatic and wetland environments. The plan shall also address and describe the methods of detection, testing, handling, and disposal of spilled waste products and contaminated trench spoils.
10. A plan identifying the locations and construction processes for narrow permanent right-of-ways, less than 50 feet in width, within sensitive areas including wetland areas, watercourse crossings, natural preserves, State forest land, and areas within close proximity to water supply wells, septic systems, and permanent residential structures.
11. A plan to measure and mitigate electric charges induced and conducted from high voltage transmission lines in near proximity to the pipeline.
12. A notification plan to notify landowners whose property or access to property is traversed by the pipeline of the Certificate Holder's intent to pursue plans for construction, blasting, testing, and operation of the pipeline. All residents who reside on property that is traversed or within 50 feet of the pipeline shall be

provided a confirmed minimum notice of 48 hours prior to the commencement of construction and blasting.

13. Final procedures for traffic management and driveway access during construction.
14. Plans for fugitive dust control including parameters for identification of a dust problem and mitigation measures.

III. Pipeline Route and Variations

The proposed route is approved with the exception of the following route variations which shall be substituted for the proposed route in the appropriate locations.

The Smoke Ridge Variation in Sherman.

The Stilson Hill Road Variation in New Milford.

The Candlewood Mountain Variation in New Milford.

The Still River Variation in New Milford.

The Jerusalem Hill Variation in New Milford.

The Brookfield 1 Variation in Brookfield.

The Brookfield 2 Variation in Brookfield.

The Brookfield 3 Variation in Brookfield.

The Bound Swamp Variation in Brookfield.

The Brookfield Meadows Variation in Brookfield.

The Algonquin Variation in Newtown.

The Newtown Subdivision Variation in Newtown.

The Feather Meadow Variation in Newtown.

The Deer Ridge Variation in Newtown.

The Pootatuck River Variation in Newtown.

The DEP Paugussett Variation in Newtown.

The Monroe Subdivision Variation in Monroe.

The Blakeman Variation in Shelton.

The Housatonic Valley Variation in Shelton and Milford.

The Milford Variation in Milford.

Any changes to the selected route, construction methods, or Certificate requirements shall be subject to prior Council approval. The Council shall render its decision within 45 days; however, emergency changes to the approved pipeline within the approved permanent right-of-way that would adversely affect scheduling or impact on hydrologic, geologic, biologic, archaeologic, cultural, or other environmental concerns through delays, can be approved verbally by the Council Chairperson through the Council's Executive Director.

IV Construction Techniques

The Certificate Holder shall employ construction techniques proposed in the application and required by this Decision and Order. Specialized construction techniques required by this Decision and Order include use of mats, workpads, and/or low soil compaction construction equipment in agricultural and wetland areas; directional boring under the Housatonic River; electric fault protection of the pipeline in near proximity to high voltage transmission lines; specialized construction techniques on steep slope areas; specialized trenching and monitoring techniques in near proximity of landfill monitoring wells; specialized techniques for crossing wetland areas; wet and dry watercourse crossing techniques; trenching, pulling, and post jetting techniques for placement of pipe in Long Island Sound; and specialized techniques for narrow right-of-way construction in environmentally sensitive areas.

V. Schedule

The Certificate Holder shall provide to the Council for its approval a detailed schedule of all construction and testing activities at all pipeline locations with the following conditions.

1. In-stream construction shall be limited to the period of June 1 through September 30 to protect spawning fish. If directional boring techniques cannot be used to cross under the Housatonic River, the crossing shall be performed between October 1 and December 31 in order to protect winter flounder spawning and other species of the Housatonic River.
2. Construction within wetland areas shall to the greatest extent possible avoid wet periods between April 1 and June 1.
3. Construction of the pipeline across Long Island Sound shall be between the period of October 1 and May 31.
4. If nesting piping plovers are found within one half mile of the right-of-way centerline and the coastline no construction shall occur there between March 15 and October 1.

5. Construction shall be prohibited within one mile of any active bald eagle winter roost site from the period of November 1 through March 31.
6. The Certificate Holder shall not conduct vegetative maintenance between the period of May 1 and August 1, and no more than once every 3 years to protect nesting songbirds.

VI Inspection

The Council shall select an independent consultant of its choice to provide weekly progress reports in writing to the Council and to a representative of each municipality traversed by the route as selected by the Chief Elected Official. The weekly progress reports shall describe all significant construction activities and all associated environmental effects.

Minimum reporting requirements shall include compliance with the Council's Decision and Order, D&M Plan, and the Certificate Holder's proposed construction schedule; effects on wetland crossings, watercourse crossings, areas subject to erosion and sedimentation, water quality, groundwater, and wells; identification of and effects on rare and endangered species; identification and effects on archaeological and cultural resources; effects on agriculture and planting schedules; revegetation activities; the progress of specialized construction techniques; the extent of blasting operations; pre- and post-construction monitoring of hydrologic conditions, water supply wells, and septic systems; any events of waste or fuel spillage; and environmental effects associated with dewatering, testing, clean-up and site restoration, and operation.

The Council may also specify and require additional information to be monitored and reported to it.

The Certificate Holder shall notify the Chief Elected Official of each municipality of this inspection program 30 days prior to its intent to commence construction. After notification of this inspection program by the Certificate Holder, the Chief Elected Official of each municipality which is traversed by the pipeline may select one representative from the town to receive a copy of this weekly inspection report. Any concerns and/or comments of the municipal representatives may be provided in writing directly to the Council and the Certificate Holder for consideration in the Council's rulings in ensuring compliance with this Decision and Order.

This inspection program shall begin with the commencement of construction and terminate with the commencement of pipeline operation unless the Council requires this program to be extended to ensure proper clean-up and restoration of any section of the right-of-way. Costs associated with this

inspection program shall be paid by the Council through an assessment on the Certificate Holder.

VII Permits

When secured, the Certificate Holder shall provide the Council with copies of all final permits, agreements, and approvals, including the conditions of right-of-way easements relating to the construction and operation of the facility.

The Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision shall be served on each person listed below and that notice of the issuance shall be published in the Ansonia Sentinel, Bridgeport Post, Brookfield Journal, Citizen News, Danbury News-Times, Hartford Courant, Huntington Herald, Litchfield County Times, Milford Citizen, Milford Mirror, Milford Reporter, Monroe Reporter, New Haven Register, New Milford Advertiser, New Milford Times, Newtown Bee, Shelton Suburban News, Stamford Advocate, Stratford Bard, Stratford Star, and Waterbury American-Republican.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of State Agencies.

The parties to this proceeding are:

Iroquois Gas Transmission (Applicant)
System, L.P.
One Corporate Drive
Suite 606
Shelton, CT 06484
Attn: Robert J. Reid, President

Anthony M. Fitzgerald (Its Representative)
Carmody & Torrance
59 Elm Street
P.O. Box 1990
New Haven, CT 06509

Connecticut Light & (Party)
Power Company

Philip M. Small (Its Representatives)
Senior Counsel
Northeast Utilities
Service Company
P.O. Box 270
Hartford, CT 06141-0270

Roger C. Zaklukiewicz
Vice President
Transmission and Distribution
Northeast Utilities
Service Company
P.O. Box 270
Hartford, CT 06141-0270

Isabel Shahin &
Edward S. Shahin
2 Melon Patch Lane
Westport, CT 06880

(Intervenor)

Newtown Opposition to
Pipeline Encroachment
(N.O.P.E.)

(Party)

Eugene Garriepy
80 Glen Road
Sandy Hook, CT 06482

(Its Representative)

STOP THE PIPE

(Party)

Mrs. Liba H. Furhman
STOP THE PIPE
P.O. Box 146
Gaylordsville, CT 06755

(Its Representative)

Inland Wetland and
Watercourses Commission
of the Town of Sherman

(Party)

John W. Bethel
Chairman
Inland Wetland and
Watercourses Commission
of the Town of Sherman
Box 36
Sherman, CT 06784

(Its Representative)

The City of Shelton

(Party)

The Hon. Michael E. Pacowta
Mayor
The City of Shelton
54 Hill Street
Shelton, CT 06484

(Its Representatives)

Valarie Ferro, Principal Planner
Maguire Group
One Court Street
New Britain, CT 06051

Town of Newtown

(Party)

David L. Grogins
Cohen and Wolf, P.C.
1115 Broad Street
P.O. Box 1821
Bridgeport, CT 06601

(Its Representative)

Town of Brookfield	(Party)
The Hon. Bonnie P. Smith First Selectman Brookfield Town Hall Pocono Road Brookfield, CT 06804	(Its Representatives)
William J. McNamara, Jr. Town Attorney 57 North Street - Suite 214 Danbury, CT 06810	
Mrs. Angela Abercrombie Chairman Inland Wetlands Commission Brookfield Town Hall Pocono Road Brookfield, CT 06804 (SERVICE WAIVED)	
Smoke Ridge Concerned Citizens	(Intervenor)
Mrs. Lori Williams President Smoke Ridge Concerned Citizens 26 Smoke Ridge Drive Sherman, CT 06784	(Its Representative)
The Hon. Nancy L. Johnson United States House of Representatives 119 Cannon House Office Bldg. Washington, D. C. 20515	(Intervenor)
Town of Stratford	(Intervenor)
William L. McCann Administrator Environmental Conservation Division Town of Stratford 550 Patterson Avenue Stratford, CT 06497	(Its Representatives)
Michael Kachuba Commissioner Conservation Commission Town of Stratford 2725 Main Street Stratford, CT 06497 (SERVICE WAIVED)	

The Connecticut Municipal
Electric Energy Cooperative
(CMEEC)

(Intervenor)

Robert M. Sussler, Esq.
CMEEC
30 Stott Avenue
Norwich, CT 06360

(Its Representative)

Town of New Milford

(Party)

Jeffrey B. Sienkiewicz
Sienkiewicz, McKenna &
Sienkiewicz
9 South Main Street
P.O. Box 786
New Milford, CT 06776

(Its Representatives)

Marsha LaTour
Chairperson
Inland Wetlands Commission
Town of New Milford
29 Church Street
New Milford, CT 06776
(SERVICE WAIVED)

Weantinoge Heritage, Inc.

(Party)

John McNeely
Weantinoge Heritage, Inc.
P.O. Box 242
New Milford, CT 06776

(Its Representative)

Citizens League for
Environmental Matters
20 Iron Works Hill Road
Brookfield, CT 06804

(Party)

George Albert
5 Poppy Drive
Brookfield, CT 06804

(Its Representative)

The United Illuminating Company

(Party)

Albert N. Henricksen
Vice President - Engineering
80 Temple Street
New Haven, CT 06506

(Its Representatives)

Linda L. Randell, Esq.
Wiggin & Dana
P.O. Box 1832
195 Church Street
New Haven, CT 06508

Naromi Land Trust, Inc.	(Party)
Richard P. Donohoe President Naromi Land Trust, Inc. P.O. Box 157 Sherman, CT 06784	(Its Representative)
Town of Monroe	(Intervenor)
Kenneth S. Heitzke Selectman Office of the Selectman Town of Monroe Town Hall 7 Fan Hill Road Monroe, CT 06468	(Its Representative)
The Hon. Jodi Rell State Representative 125 Long Meadow Hill Road Brookfield, CT 06804	(Intervenor)
Stilson Hill Association	(Party)
Karen Ann Hayward 35 Litwin Road Litchfield, CT 06759	(Its Representative)
Housatonic Valley Association	(Party)
William Vitalis, Pres. Lynn Werner, Dir. of Environmental Programs Housatonic Valley Association P.O. Box 28 Cornwall Bridge, CT 06754	(Its Representatives)
City of Milford	(Party)
The Hon. Frederick L. Lisman Mayor City of Milford City Hall Milford, CT 06460	(Its Representative)
Burton and Alyce Block 31 East Village Road Monroe, CT 06468 (SERVICE WAIVED)	(Intervenors)

Northwest Sherman Civic
Association

(Intervenor)

Hank Dutton, Chairman
Northwest Sherman Civic
Association
P.O. Box 211
Sherman, CT 06784

(Its Representative)

Henry W.T. Dutton
34 Anderson Road
Sherman, CT 06784
(SERVICE WAIVED)

(Intervenor)

Pamela Bonner
44 Anderson Road
Sherman, CT 06784
(SERVICE WAIVED)

(Party)

Cheryl A. Showah
Andre Korogodon
6 Hoyt Road
Sherman, CT 06784
(SERVICE WAIVED)

(Parties)

Central Bridgeport
Development Corp.

(Party)

Stephen W. Studer
Berchem & Moses, P.C.
75 Broad Street
Milford, CT 06460

(Its Representative)

David S. Bjorklund, Jr.
200 Porters Hill Road
Trumbull, CT 06611
(SERVICE WAIVED)

(Party)

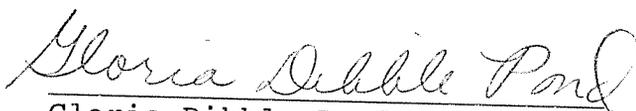
CERTIFICATION

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case in Docket No. 134 or read the record thereof, and that we voted as follows:

Dated at New Britain, Connecticut, the 11th day of October, 1990.

Council Members

Vote Cast



Gloria Dibble Pond
Chairperson

YES

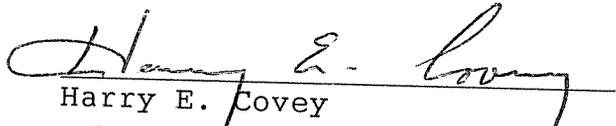


Commissioner Peter Boucher
Designee: Mark Marcus

YES

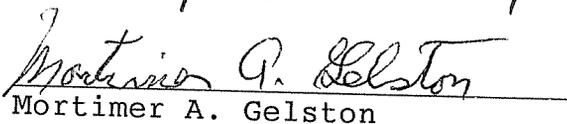
Commissioner Leslie Carothers
Designee: Brian Emerick

ABSENT (RECUSED)



Harry E. Covey

YES

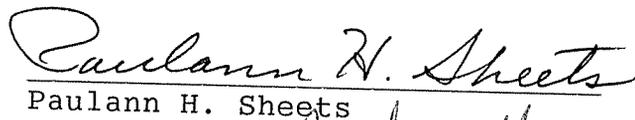


Mortimer A. Gelston

YES

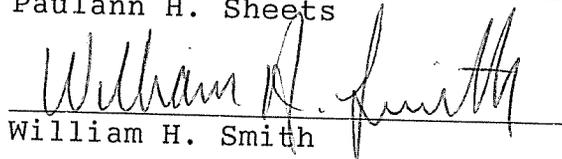
Daniel P. Lynch, Jr.

ABSENT



Paulann H. Sheets

YES



William H. Smith

YES

Colin C. Tait

ABSENT (RECUSED)