

ENVIRONMENTAL IMPACT EVALUATION

*Prepared in accordance with the
Connecticut Environmental Policy Act*

Proposed Litchfield Judicial District Courthouse at Torrington

Torrington, Connecticut

NOVEMBER 8, 2005



Sponsoring Agency:

*State of Connecticut
Judicial Branch*

Participating Agency:

*State of Connecticut
Department of Public Works*

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EXECUTIVE SUMMARY

Project Name: Proposed Litchfield District Courthouse
at Torrington, Connecticut

Sponsoring Agency: State of Connecticut Judicial Branch

Participating Agency: State of Connecticut Department of Public Works

Prepared By: Baystate Environmental Consultants, Inc.

Date: November 8, 2005

INTRODUCTION

The Connecticut Judicial Branch (JB), in consultation with the Connecticut Department of Public Works (DPW) as a participating agency, has proposed the consolidation and construction of a new Litchfield Judicial District Courthouse at Torrington, Connecticut. This Environmental Impact Evaluation (EIE) has been prepared in accordance with the Connecticut Environmental Policy Act (CEPA), as promulgated under Section 22a-1 to 22a-1h of the Connecticut General Statutes (CGS) and as amended by Public Act 02-121. Under CEPA, an EIE is required for this State Action because it includes construction in excess of 100,000 square feet (SF) of floor space and more than 200 parking spaces.

The proposed project was initiated by the JB, followed by the DPW issuing an invitation to submit a proposal (RFP) for the sale of land in Torrington for the proposed project with a due date of November 23, 2004. On February 22, 2005, the DPW initiated the early public scoping process under CEPA with a Notice of Scoping in the *Environmental Monitor*. The purpose of the notice was to inform and solicit comments from agency reviewers and other interested parties of the Proposed Action. To further gather input from the public, a Public Scoping Meeting was held on March 23, 2005 at the Torrington City Hall. A copy of the RFP, Notice of Scoping, oral and written comments that were received during the scoping process, as well as a copy of the Scoping Meeting presentation are included in Appendix C of this EIE.

PURPOSE AND NEED

The Judicial Branch has been working to construct a new courthouse for the Litchfield Judicial District for nearly 30 years. The existing facilities total 39,000 SF of floor space distributed over four locations. Specific problem issues include security, life safety and building code non-compliance, infrastructure communications needs, inefficient productivity due to travel distances between dispersed court buildings, and significant lack of space and parking. Currently, some cases must be reassigned to other district courthouses due to the inability of the current facilities to appropriately service the District.

In response to these needs, Special Act 04-02 modified prior acts to authorize bonding to fund a new courthouse development in Torrington and renovations to the existing historic courthouse in Litchfield.

PROJECT DESCRIPTION

The Proposed Action is the consolidation and construction of a new 160,000± SF Litchfield Judicial District Courthouse in Torrington. The new courthouse would house Civil, Criminal, Family and Juvenile Courts. Nine courtrooms, hearing rooms, judges' chambers and court support services would be included in the new facility. Additionally, 400 parking spaces would be provided onsite to accommodate current and future needs for visitors, judges, and staff. The existing Litchfield Courthouse on West Street would be renovated and remain in use for certain court functions.

ALTERNATIVES CONSIDERED

The alternatives considered during the development of this EIE consist of (1) the No-Build alternative, (2) an upgrade of existing facilities, and (3) the Build alternative. Under the No-Build alternative, the JB would rely solely upon the existing facilities, which do not meet the current basic needs and functions. Considering the recent growth in caseloads and backlog, this is not viewed as a viable alternative. Expansion of the existing properties is also not a viable option, as three of the four existing facilities are leased and the fourth offers no adjacent space for expansion. New or supplemental leased properties could be acquired or leased to better meet space needs, but would result in greater inefficiencies with an increased number of dispersed sites.

A total of nine site proposals were submitted in response to the DPW's RFP for new alternative sites in Torrington, namely the:

- Nickerson Site on Winsted Rd.,
- Chadwick Site on Cameron St.,
- Norwood Street Site on Norwood St.,
- Timken Site on Field St.,
- O&G Site on Kennedy Dr.,
- Nidec Site on Franklin Dr.,
- Ricci Site on Pinewoods Rd.,
- PRAX Site on Main St., and
- Kelley Site on Water St..

An initial review was conducted for all materials submitted, including site field evaluations. A summary of the findings was presented at the March 23, 2005 Scoping Meeting at the Torrington City Hall. Public input regarding the proposed project was predominately favorable, with preference expressed for a downtown Torrington site. Upon review of all proposals, findings, and public input, the DPW Site Selection Committee selected three courthouse sites for further review, listed as follows in no particular order:

- The Timken Site on Field Street;
- The Nidec Site on Franklin Drive; and
- The Kelley Site on Water and Mason Streets.

The locations of the shortlisted courthouse sites are shown on Figure ES-1, an aerial photograph of the downtown Torrington area.

ENVIRONMENTAL IMPACTS AND MITIGATION

As required under CEPA, impacts to the physical, natural, and socioeconomic environment for each of the shortlisted courthouse sites have been evaluated in this EIE. All three sites are in heavily developed areas. Two of the three sites are zoned Industrial, the third is zoned General Business and R-6 (a residential classification, which allows for parking lots). The sites are almost entirely disturbed and have historically been used for commercial or industrial purposes. As such, no significant impacts to the natural environment are anticipated. The following is a summary of the most notable issues that were studied at each of the shortlisted courthouse sites.

Traffic, Parking, and Circulation

A total of 27 intersections in the greater Torrington downtown area were evaluated under existing conditions and also under future conditions (year 2010) which included a courthouse located at each of the three potential sites. Analysis of the 2010 conditions show that 25 of these intersections would operate under AM and PM peak hour conditions at an acceptable Level of Service (LOS) C, and one would operate at LOS D with the Courthouse located at any of the sites. The Main Street at Water Street/Route 202 intersection currently operates at a LOS F in the PM peak hour. Improvements to this intersection are to be proposed in the Downtown Torrington Redevelopment EIE currently being prepared for the Connecticut Department of Economic and Community Development (DECD). The proposed improvements at this intersection would result in a 2010 LOS A and B with the Courthouse at any of the three sites. No significant improvements to the local roadway system are warranted for any of the sites.

The Timken and Nidec sites include sufficient area for onsite surface parking of up to 400 spaces, whereas the Kelley site would require the construction of a parking garage.

The Timken and Kelley sites are conceptually envisioned to include partial street closings, in order to provide a cohesive campus style site development. Either closing would have minimal impact upon local circulation patterns with adjacent alternative routes available and would be subject to a formal City Right-of-Way (R.O.W.) Abandonment procedure.

Air Quality

Temporary, insignificant impacts to air quality from vehicular emissions, construction equipment, and dust would likely result from construction related activities at any of the three sites. Standard construction practices would be specified by DPW for control of equipment emissions and dust, resulting in no significant impacts to air quality. The new courthouse would not result in a significant change in the current traffic LOS within the

FIGURE ES-1

study area and, therefore, impacts to air quality from increased traffic at local intersections would be minor.

Noise

During construction of the new courthouse, there would be short-term increases in noise levels in and around any of the three sites. Exterior construction activities would be confined to normal working hours and would be subject to the continuing approval of the site engineer.

Courthouse operations are not a major source of noise and would comply with State noise emission standards at any of the three sites. Sensitive receptors near the sites include a school near the Kelley site and residences near all three sites. While construction noise may have temporary impacts at any of the sites, courthouse operation is not expected to produce any more noise than that of a normal office building. In fact, courthouse proceedings are sensitive to nearby disruptive noise sources, which may be a potential issue at the Kelley site due to the nearby fire station on Water Street. On average, two to three emergency calls per day are responded to by this fire station with the use of sirens. Noise disruptions may also be an issue at the Nidec site due to the jet engine power generator abutting the Nidec parcel. Typically, the jet engine operates less than 10 times a year for durations of one to two hours. No noise related issues were identified at the Timken site. Regardless of site selection, noise sensitive architectural design techniques could be implemented to minimize impacts on the facility.

Contaminated Materials

All three sites are contaminated with hazardous materials and meet the definition of “establishments” as defined by the Connecticut Transfer Act. The selected site would require further evaluation prior to design and construction.

The Timken site has no record of prior releases attributed to past activities on the site. However, groundwater contamination caused by a chlorinated solvent release, likely from the former Ingersoll-Rand facility across Field Street, was shown to have migrated to the proposed site and was identified at levels exceeding the residential groundwater volatilization criteria of the Connecticut Remediation Standard Regulations (RSRs). Indoor air and soil vapor sampling is necessary should the site be selected and pending further analysis, sub-slab vapor barriers and removal systems may be warranted for both the existing and proposed new buildings. Asbestos containing materials (ACMs) and/or lead paint may be present within the existing Timken building and must be removed as part of the building renovation.

A variety of industrial processes have been performed over the years at the Nidec site. Prior Phase I and partial Phase II studies have identified numerous Areas Of Concern (AOCs) with known or suspected sources of chlorinated solvent contamination. A 1990 study reported a plume of chlorinated solvents estimated to be 16,000 SF in area below the building floor. Other AOCs involve transformers, heavy metal plating, a leaking underground storage tank (LUST), and building materials containing asbestos and lead paint. The smaller parcel on the east side of Franklin Drive has soil contamination

associated with a fuel spill from the adjacent jet engine. A Phase II investigation would be necessary at this site to better characterize the extent and nature of the (chlorinated solvent, petroleum hydrocarbons, and possibly metals) contamination should the site be selected. Soils removed from the site during construction containing chlorinated solvents or metals would be classified as hazardous waste and mitigation measures during new construction (e.g., a sub-slab vapor barrier and removal system) may be warranted. ACMs and lead paint would also need to be identified and removed during demolition, pursuant to State regulations.

Phase I and II site investigation reports were prepared for the Kelley site. Known AOCs at the Kelley site include above and underground storage tanks (ASTs and USTs), and building materials with ACMs and lead paint. At the location of one fuel oil UST previously removed outside the northwest corner of the storage garage, a petroleum release area of undetermined size remains. Additionally, tetrachloroethene (PCE) was detected significantly below RSRs in one (1) soil sample collected below a parts washer area in the large bus repair garage, but further sampling was recommended to determine if PCE detections are localized and do not require remediation. Volatile organic compounds (VOCs) were not detected in any other collected soil samples. Soils removed from the site that were contaminated with petroleum hydrocarbons could be recycled.

Utilities and Services

All three shortlisted courthouse sites have available water, sewer, gas, electricity and telecommunication services with sufficient capacities to service the new courthouse. Regardless of the selected site, fire flow testing should be conducted to confirm current pressure and flow availability.

All three sites drain into the City's municipal stormwater system. Flows are not expected to increase substantially, since each site is currently developed with a high percentage of impervious areas. However, the drainage system from the Timken site exhibits frequent flooding, which is reportedly due to a broken or undersized pipe. In addition, there is a recognized drainage problem downstream near the Prospect and East Pearl Street intersection. As such, a downstream analysis should be conducted if the Timken site is selected, both to incorporate drainage improvements to provide for detention and for increased function in the system. Storm drainage capacity issues are not known to be present at the Nidec or Kelley sites.

Stormwater best management practices (BMPs) would be incorporated into the design and operation of the courthouse site, regardless of the selected site to improve the water quality of site runoff both during and after construction.

Socioeconomic Impacts

The Proposed Action would result in the consolidation of functions currently dispersed over four facilities in the Towns of Litchfield and Torrington. Current employees would be reassigned to the new facility. In addition, approximately 50 new employees are envisioned to be required at the new facility in the future. Approximately five employees would remain at the historic courthouse in Litchfield. A more efficient judicial

courthouse with increased capabilities would result in a reduced backlog and better judicial services to the District.

The construction of the new facility would create jobs for construction workers. Service businesses in the area would benefit from the project during construction and realize a long-term benefit from increased activity in the greater downtown area.

Selection of the Timken site would not result in a business loss, as the existing building is currently vacant. Selection of the Nidec site would necessitate the termination of leases for three companies with the dislocation of 127 jobs. The lease of one retail store with three employees would be terminated if the Kelley site is selected. A representative of the Kelley Transit Company has indicated its intention to relocate, preferably within the City, if their site is chosen. Depending on which site is selected, the DPW will discuss applicable requirements under the Connecticut Uniform Relocation Assistance Act with the property owner, in consultation with the City and the Connecticut Department of Economic and Community Development.

Cost Comparison

A preliminary estimate of probable cost was prepared for each of the sites utilizing the available information. The purchase price of each parcel was assumed to equal the offering price as stated in the response to the DPW's RFP, but would be subject to a formal value assessment and future negotiations. The probable construction costs are based upon square foot estimates from prior courthouse projects: \$250/SF for new construction; \$150/SF for renovation; \$5,000/each surface parking space; and \$16,000/each garage space. With these assumptions, the cost for each site is as follows:

Timken	\$40.3M
Nidec	\$43.8M
Kelley	\$48.0M

The costs for demolition and contamination cleanup cannot be accurately quantified at this time, and therefore, are not included in the above figures. Further testing at the selected site would be conducted in order to quantify costs for both demolition and remediation and to satisfy DEP's environmental requirements for the transfer of property.

POTENTIAL CERTIFICATES, PERMITS, AND APPROVALS

The following table summarizes the environmental-related certificates, permits, and approvals that would likely be required for the construction and operation of a new courthouse at any of the sites under consideration (Timken, Nidec, and Kelley).

Table ES-1. Potential Certificates, Permits and Approvals Required for Litchfield Judicial District Courthouse at Torrington.

Certificate, Permit, or Approval	Reviewing Agency	Site	Comments
General Permit for Discharge of Stormwater and Dewatering Wastewater Associated with Construction Activities	DEP	All	For ≥ 1 acres of disturbance. Registration and plan required prior to initiating activities.
Flood Management Certification Section 25-68 CGS	DEP	All	New or modification to stormwater drainage requires certification of compliance with Section 25-68 CGS by state agency.
Soil and Special Waste Disposal Approvals	DEP	All	May be required for disposal of waste generated during utility relocation or demolition activities
State Wetlands Permit	DEP	Nidec	Required for work in wetlands. Site development not likely to directly impact wetlands associated with Naugatuck River.
Section 404 Wetlands Permit	USACE	Nidec	Required for discharge of dredged or fill material within wetlands or waterway. Not likely required.
Utility Relocation Plan review and approval	DEP, City of Torrington	All	Review required before relocating/installing utilities
Groundwater Remediation Wastewater to a Sanitary Sewer	DEP	All	May be required if groundwater remediation is necessary
Waste Reduction and Recycling Plan	DEP		Would need to be updated to reflect expansion
General Permit to Construct and/or operate a New or Existing Emergency Engine	DEP	All	Required for use of emergency generators for building construction/operation.
CT Transfer Act	DEP	All	Transfer Act compliance required for transfer of properties containing existing "establishments". Compliance with CT Remediation Standard Regulations (RSRs) required.
State Traffic Commission (STC) Certificate	STC	All	Required for facilities with > 200 parking spaces.
Street R.O.W. Abandonment	City of Torrington	Timken and Kelley	Required if find site design concerns with EIE concept plan for either site

PUBLIC INVOLVEMENT

A Notice of Scoping for the Proposed Action was published in the Connecticut Council on Environmental Quality's on-line *Environmental Monitor* on February 22, 2005. The purpose of the notice was to inform and solicit comments from agency reviewers and other interested parties of the Proposed Action. The public comment period ended on March 28, 2005. On March 23, 2005, a public Scoping Meeting was held at the Torrington City Hall. Approximately 75 individuals attended the meeting. Most public

comments were positive to the process with a general endorsement of selecting a site within the greater downtown district, as opposed to outlying, less developed areas of Torrington.

CONCLUSION

The proposed 160,000± SF consolidated courthouse in Torrington, Connecticut will not result in significant adverse environmental impacts, regardless of which of the three shortlisted courthouse sites is chosen. However, hazardous materials, which are present at all three sites, must be satisfactorily remediated at whichever site is ultimately selected.

EIE REVIEW PERIOD AND COMMENTS

Review agencies and other interested parties are offered an opportunity to provide comments and other pertinent information that would help define environmental impacts, interpret the significance of such impacts, and evaluate alternatives.

A public hearing is scheduled for **7:00 p.m. on December 14, 2005** at the Torrington City Hall Auditorium, 140 Main Street, Torrington, CT to solicit public comments on the EIE. Doors open at 6:30 p.m.

Written comments on this document and any other pertinent information must be sent or postmarked by **December 23, 2005**. Comments must be sent to:

Joseph McMahon, Director of Facilities
Judicial Branch
90 Washington Street
Hartford, Connecticut 06106

Fax: (860) 706-5093

E-Mail: joseph.mcmahon@jud.state.ct.us

The JB and DPW will review all such materials submitted by that time and the comments made at the public hearing and will prepare responses to the substantive issues raised. Based on EIE and the comments received during the EIE public review period, the JB, in consultation with DPW, will make a final decision with regard to the Proposed Action and the alternative sites. The JB, in consultation with the DPW, will submit a Record of Decision to the State Office of Policy and Management, which will review the documentation, including responses to comments, and make a written determination as to whether the EIE is adequate.

DISTRIBUTION

U.S. Environmental Protection Agency
Council on Environmental Quality
Connecticut Department of Economic and Community Development
Connecticut Department of Environmental Protection
Connecticut Department of Public Health
Connecticut Department of Transportation
Connecticut Office of Policy and Management
Connecticut State Historic Preservation Office
Connecticut State Traffic Commission
Litchfield Hills Council of Elected Officials
The Torrington Library
Honorable Owen J. Quinn, Jr., Mayor of Torrington
Torrington City Clerk
Litchfield Town Clerk
Oliver Wolcott Library (Litchfield)
Honorable Leo Paul, Jr., First Selectman of Litchfield

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LIST OF ABBREVIATIONS AND ACRONYMS

ACM	Asbestos Containing Materials
ACGIH	American Conference of Governmental Industrial Hygienists
AOCs	Areas of Concern
AST	Aboveground Storage Tank
ATRs	Automatic Traffic Recorders
BEC	Baystate Environmental Consultants
BMP	Best Management Practice
CAA	Clean Air Amendments
CB	Citizens band
CBD	Center Business District
C & D	Conservation and Development
CEDS	Comprehensive Economic Development Strategy
CEPA	Connecticut Environmental Policy Act
CERC	Connecticut Economic Resource Center, Inc.
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
CGS	Connecticut General Statutes
CI	Cast iron
CL&P	Connecticut Light and Power
CO	Carbon monoxide
CPWR	Center to Protect Workers' Rights
CRRA	Connecticut Resources Recovery Authority
CSSD	Court Support Services Division
CT	Connecticut
CWA	Clean Water Act
dbh	Diameter at breast height
dB	Decibels
dBA	Decibels, A-weighted
DECDD	Department of Economic and Community Development
DEP	Department of Environmental Protection
DIP	Ductile iron pipe
DOT	Department of Transportation
DPW	Department of Public Works
DRP	Downtown Redevelopment Plan
DSL	Digital subscriber line
DWTP	Drinking Water Treatment Plant
EIE	Environmental Impact Evaluation
ELF	Extremely low frequency
ELUR	Environmental Land Use Restriction

EMF	Electromagnetic field
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
ETPH	Extractable Total Petroleum Hydrocarbons
FEMA	Federal Emergency Management Agency
ft	Feet
G	Gauss
GA	Geographical Area
GB	General Business
GG	Gasoline Generator
GIS	Geographic Information System
gpd	Gallons per day
gpm	Gallons per minute
HAP	Hazardous air pollutants
HDPE	High-density polyethylene
HRP	HRP Associates, Inc.
HVAC	Heating, ventilation, and air conditioning
Hz	Hertz
IAR	Intake Assessment and Referral
ICNIRP	International Commission on Non-Ionizing Radiation Protection
ISO	International Organization for Standardization
ITE	Institute of Transportation Engineers
JB	Judicial Branch
JD	Judicial District
kg	Kilograms
kV/m	Kilovolts per meter
L _{eq}	Equivalent Sound Level
L ₁₀	Sound level exceeded 10 percent of time
L ₉₀	Sound level exceeded 90 percent of time
LEA	Loureiro Engineering Associates, Inc.
LFR	Levin-Fricke
LHCEO	Litchfield Hills Council of Elected Officials
LHEDP	Litchfield Hills Economic Development Partnership
LLC	Limited Liability Company
LOS	Levels of Service
LPCI	Low-pressure cast iron
LUST	Leaking Underground Storage Tank
mG	Milligauss
MG	Million gallons
MGD	Million gallons per day
mph	Miles per hour

MSL	Mean sea level
NAAQS	National Ambient Air Quality Standards
NE	Northeast
NIEHS	National Institute of Environmental Health Sciences
NIH	National Institutes of Health
NIOSH	National Institute for Occupational Safety and Health
NO ₂	Nitrogen dioxide
NO _x	Nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NPL	National Priority List
NRC	NRC Associates, Inc.
NU	Northeast Utilities
NW	Northwest
O ₃	Ozone
OPM	Office of Policy and Management
OTO	O'Reilly, Talbot, & Okun Associates, Inc.
PAH	Polycyclic aromatic hydrocarbons
Pb	Lead
PCB	Polychlorinated biphenyl
PCCP	Precast concrete pipe
PCE	Tetrachloroethene
PILOT	Payment In Lieu of Taxes
PM _{2.5}	Particulate matter with a diameter of 2.5 microns or less
PM ₁₀	Particulate matter with a diameter of 10 microns or less
psi	Pounds per square inch
PVC	Polyvinyl chloride
RCP	Reinforced concrete pipe
RCSA	Regulations of Connecticut State Agencies
RFP	Request for Proposals
R.O.W.	Right-of-Way
RSRs	Remediation Standard Regulations
SCEL	Stream Channel Encroachment Line
SF	Square Feet
SHPO	State Historic Preservation Office
SNET	Southern New England Telecommunications
SO ₂	Sulfur dioxide
S/S	Substation
SVE	Soil vapor extraction
T	Tesla
TAHD	Torrington Area Health District
TCE	Trichloroethene

TLVs	Threshold Limit Values
TPH	Total Petroleum Hydrocarbons
TRB	Transportation Research Board
TRC	TRC Environmental Corporation
TSB	Torrington Savings Bank
TSS	Total Suspended Solids
TWC	Torrington Water Company
USACE	US Army Corps of Engineers
US GSA	United States General Services Administration
UST	Underground Storage Tank
v/c	Volume to capacity (ratio)
V	Volts
V/m	Volts per meter
VOCs	Volatile Organic Compounds
WPCA	Water Pollution Control Authority
WWTF	Wastewater Treatment Facility
YMCA	Young Men's Christian Association
$\mu\text{g}/\text{m}^3$	Micrograms per cubic meter