Minutes of the September 25, 2019 meeting of the Council on Environmental Quality (Council) held in the Holcombe Room on the fifth floor of 79 Elm Street in Hartford.

MEMBERS PRESENT: Susan Merrow (Chair), Keith Ainsworth (by phone), David Kalafa, Lee Dunbar, Alison Hilding, Kip Kolesinskas, Charles Vidich, Alicea Charamut, and Matthew Reiser

ALSO IN ATTENDANCE: Peter Hearn (Executive Director) and Paul Aresta (Environmental Analyst).

At 9:36 AM, Chair Merrow convened the meeting and noted that there was a quorum of Council members present.

2. Approval of Agenda

Chair Merrow began the meeting by asking if there are any additions or modifications to the agenda. Reiser made a motion to approve the agenda as written; seconded by Hilding. The motion was approved unanimously.

3. Approval of Minutes of August 28, 2019

There were no suggested changes to the draft minutes of the August 28, 2019 meeting. Vidich made a motion to approve the draft meeting minutes of August 28, 2019; seconded by Kolesinskas. The motion was approved unanimously.

4. Chair’s Report

Chair Merrow noted the passing of Astrid Hanzalek and acknowledged her contributions to protecting the environment as a state legislator and a former member of the Council. She also reported on the “climate strike” assemblage that was held at the State Capitol building on September 20.

5. Citizen Comment Period

Chair Merrow noted that there were no members of the public in attendance to speak with the Council.

6. Citizen Complaints and Inquiries Received

a. Above Ground Storage Tanks

Hearn mentioned that the Council’s staff received an inquiry about releases of home heating fuel oil from residential above-ground storage tanks. Hearn noted that data from the
Department of Energy and Environmental Protection (DEEP) indicates that approximately 1,400 reported releases of home heating fuel oil occurred in the last four and one-half years. It was noted that about forty-one percent of the 1.3 million households in the state use fuel oil for home heating and the potential for an accidental release is significant. There was general discussion about DEEP’s response to accidental releases of home heating fuel oil and the difficulty in recovering expenses from residents for the clean-up. Hearn discussed regulations in Vermont and Massachusetts that include requirements for inspections, reporting, safety features, and for insurance companies to offer an insurance rider to customers for cleaning up the accidental release of home heating fuel oil. Ainsworth noted that most insurance policies in Connecticut do not cover the cost of cleaning up a home heating fuel oil release on the actual property, but would cover the neighboring properties. Lee suggested that there needs to be a concerted effort to minimize the accidental release of home heating fuel oil in the future. There was general consensus to have the Council’s staff develop a summary of the issues regarding home heating fuel oil releases and possible recommendations to minimize or eliminate future releases.

b. Update on Harbor Point Complaint from Stamford.

Hearn said that on September 10th, DEEP staff met with concerned residents regarding fugitive dust, odors, and other environmental issues in the Harbor Point area of Stamford. He said that DEEP staff informed them of the contaminants that were in the soil at the site and presented a clear explanation of the degree of risk that was posed.

Hearn indicated that State Representative Michel was concerned about the environmental issues that have occurred at sites in the Harbor Point area of Stamford as well as about the need for monitoring and enforcement. The Council agreed that it would be a good idea to invite State Representative Michel to an upcoming Council meeting to better understand his concerns and those of his constituents.

c. Fairfield Contaminated Soils

Hearn said that an inquiry was received from a resident of Fairfield who was concerned about potential health impacts associated with the deposition of contaminated soil at several sites in the town, including a school. Hearn provided an overview of the situation based on personal communications with the concerned resident and news articles. Hearn indicated that the analytical results from two of the soil tests collected at one of the schools exceeded the residential direct exposure criterion (RDEC) limit for certain chemicals. He said the RDEC is applicable to school properties. Hearn also noted that an epidemiologist from the Connecticut Department of Public Health indicated in a letter to the Town that covering the contaminated playground sites with one and one-half feet of wood mulch and rubber mats underneath the existing swings would be sufficient to reduce exposure and possible health effects from the known chemicals present in the contaminated soil.

Dunbar said that DEEP’s Remediation Standards are based upon agreed-upon methods to reduce risk of public exposure. Both Reiser and Kolesinskas said that capping the contamination is a normally accepted method of reducing exposure. Ainsworth mentioned that the RDEC that are listed in DEEP’s Remediation Standards Regulation (RSR) would only apply if the property were commercial and being transferred (Transfer Act) or if the Town of Fairfield engaged in the Voluntary Cleanup Program.

Hearn said there is nothing to prevent the town from implementing the remediation standards that would be required if the site were enrolled in DEEP’s Voluntary Cleanup Program. Hilding suggested that the Town of Fairfield and its residents would benefit from information about the Voluntary Clean-Up Program, RSR’s, and a health based assessment of the potential risks, if available. Hearn said staff will continue to investigate and monitor the issue. Reiser said that the complete analytical report of all the results for all soil tested should be obtained.
7. Report on Staff Activities

a. Coventry Sewer Extension Comments

Hearn noted that the Council sent comments to DEEP in response to the scoping notice for the proposed extension of an existing sewer line from the Bolton town line easterly along Route 44 for a distance of approximately 2,000 feet. He said the four-page length reflected the fact that the comments included all of the concerns about the project that were raised at the Council’s August meeting. He said that he expects DEEP to respond to each of the issues raised in the Council’s comments and any other comments DEEP may have received. DEEP will then determine if the proposed project requires an Environmental Impact Evaluation (EIE) or a Post-Scoping Notice. Kalafa said the issue of project segmentation as it relates to this proposal is a serious concern. All agreed that DEEP’s policy, from 2015, to not review privately funded infrastructure projects needs reconsideration.

b. Proposed New Indicators for the Annual Report

Hearn reviewed Governor Lamont’s Executive Order #3 that calls for the identification of strategies to achieve zero carbon emissions in the electric sector by 2040. Aresta reviewed a chart depicting the percentage of electric generation by primary fuel type for Connecticut over the last ten years. There was general discussion regarding electric generation. Kalafa, Hilding and Kolesinskas stressed the value of energy conservation measures to achieve reduction in greenhouse gasses. It was the consensus of the Council members to track and include the amount of Connecticut’s zero carbon electric generation in future Annual Reports.

c. Modifications to the Website

Hearn discussed changes to the Council’s website. It now includes a new website page with “Recent Environmental Reviews and Comments” with links to the Council’s recent comments regarding proposed projects, plans, and studies. The new website page will be linked from two existing pages, the “Publications” page and the “Programs and Services” page, on the Council’s website. Hilding suggested that the Council’s comments be organized to reflect the most recent comments first and that acronyms not be used in the titles.

d. Gender and Racial Diversity Report

Hearn indicated that the Secretary of State has requested information regarding the gender and race of all the State’s Councils and Commissions. He encouraged all Council members to respond the anonymous survey as soon as possible so staff could submit the Gender and Racial Diversity Report Form that it had received.

8. State Agency Actions

a. Regulation Revisions

Hearn said that newly adopted regulations for the implementation of the Connecticut Environmental Policy Act (CEPA) include three new requirements regarding the publication of notices in the Environmental Monitor:

• A status update to a previously published Scoping Notice when a Post-Scoping Notice is not published within six months of the Scoping Notice. The update is to estimate when the Post-Scoping Notice will be published. Updates will be required every six months until the Post-Scoping Notice is published.
• the Record of Decision of the sponsoring agency following an EIE; and
• the Office of Policy and Management’s (OPM) determination whether an EIE is adequate.

Hearn also reviewed the process that state agencies use for submitting notices for publication in the Environmental Monitor, including the use of templates and user guides.

b. PFAS Task Force Status

Hearn reported that the Governor’s PFAS Task Force will be issuing a draft Action Plan on October 1st. Two weeks will be allowed for public comments prior to the submission to the Governor. Hearn reviewed the preliminary findings of the three subcommittees of the PFAS Task Force: 1) Human Health, 2) Pollution Prevention, and 3) Remediation. He said he expected the recommendations to be included in the October release. Vidich suggested that the labeling of consumer products that contain certain PFAS chemicals should be recommended to the PFAS Task Force. Charamut suggested that the Action Plan contain a recommendation for outreach and education to firefighters that use or have used foam that contains PFAS chemicals. Dunbar said that PFAS generators should be added as a category that is prohibited in Aquifer Protection Areas. There was consensus to have the Council’s staff review the draft Action Plan when released and develop comments, if appropriate, to address the Council’s concerns. Hearn said that he would develop and distribute draft comments regarding the draft Action Plan to Council members and encouraged Council members to respond back directly with any suggested changes.

c. Consideration of Comments for Connecticut Siting Council (CSC):

Petition #1381 – Aresta indicated that Council staff reviewed this Petition for Declaratory Ruling for the proposed installation of a 600-kilowatt fuel cell facility at an existing health care facility in New Britain. He noted that the proposed site is already developed and would have a minimal impact on the environment; consequently, no comments were prepared for the proposed project.

Petition #1380 – Aresta indicated that Council staff also reviewed this Petition for Declaratory Ruling for the proposed development of a 1.992-megawatt AC solar photovoltaic electric generating facility at an existing gravel mining site in Enfield. Aresta showed an aerial view of the site noting that draft comments were prepared for the proposed project that addressed the following:

- deferral of any decision by the CSC until the completion of a field survey for State-listed species (as requested by the DEEP’s Natural Diversity Database) and, if needed, identification of appropriate mitigations for the site; and
- review of the visibility analysis, which may be different than identified in the Petition, as a result of tree clearing and potential gravel mining operations on the adjacent portions of the proposed site.

It was the consensus of the Council members to authorize the Council’s staff to submit the comments regarding Petition 1380 to the CSC.

d. PURA Docket regarding Tree Trimming

Hearn noted that the Council’s staff had contacted the Public Utilities Regulatory Authority (PURA) and requested to be notified about the maintenance docket that was identified in the PURA Decision for Docket 19-01-25 to address the concerns of residents, tree wardens, and others regarding the vegetative maintenance practices of the electric distribution companies.
e. Governor’s Zero Emissions Goal for Energy Generation

Hearn noted that the Council had discussed this issue earlier in the meeting. There were no other comments regarding the Governor’s zero carbon goal for the electric sector.

9. Other Business

Chair Merrow confirmed that the Council will invite DEEP Commissioner Katie Dykes to an upcoming meeting of the Council to discuss key issues, including but not limited to, General Permits and self-regulation, staffing levels for DEEP, policies regarding private infrastructure projects and public funds, gravel mining operations, regulation of fuel oil storage tanks, and municipal training for planning and regulation of activities affecting inland wetlands.

Hearn also noted that the Council’s staff developed draft comments regarding DEEP’s draft Remediation Standards Regulations (RSR), which was previously distributed to Council members. It was the consensus of the Council members to authorize the Council’s staff to submit the draft comments regarding the RSR to DEEP.

Having no further business, Chair Merrow asked for a motion to adjourn. Dunbar made a motion to adjourn; seconded by Charamut. The motion passed unanimously. The meeting adjourned at 12:09 P.M.