

STATE OF CONNECTICUT
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

ENVIRONMENTAL ASSESSMENT CHECKLIST

Project ID No: (issued by OPM)

Date: 3/21/2017	Staff Contact: Christine Marques
Municipality: Middletown	Project Name: Middletown Boat House Redevelopment
Funding Source: TBD	State Funds: TBD
Type of State Agency Review:	Stage 1 <u> X </u> Stage 2

This assessment is being conducted in conformance to the department's Environmental Classification Document to determine CEPA obligations

Project Description: The City of Middletown is seeking state financial assistance for the Middletown Boat House Redevelopment project to be located on Harbor Drive in Middletown, CT. The proposed project consists of demolition of the existing boat house and new construction of an approximately 82,000 square foot community rowing facility with a 300 person event space overlooking the Connecticut River on a 2.56 acre site. The purpose of the project is to spur economic development and attract people to the riverfront. This project will also include relocation of approximately 800 linear feet of Harbor Drive between the railroad crossing and Eastern Drive and reconfiguration of parking spaces. The project also includes a new playground in Harbor Park, bank stabilization activities, dock replacement, concrete ramp upgrades, and landscape architecture for the site.

Note: environmental remediation is a positive environmental impact, but not a CEPA activity.

RCSA sec. 22a-1a-3 Determination of environmental significance (direct/indirect)

1) *Impact on air and water quality or on ambient noise levels*

- a) *Air*— For large construction projects, the Department of Energy and Environmental Protection (DEEP) typically encourages the use of newer off-road construction equipment that meets the latest EPA or California Air Resources Board (CARB) standards. If that newer equipment cannot be used, equipment with the best available controls on diesel emissions including retrofitting with diesel oxidation catalysts or particulate filters in addition to the use of ultra-low sulfur fuel would be the second choice that can be effective in reducing exhaust emissions. The use of newer equipment that meets EPA standards would obviate the need for retrofits.

The DEEP also encourages the use of newer on-road vehicles that meet either the latest EPA or California Air Resources Board (CARB) standards for construction projects. These on-road vehicles include dump trucks, fuel delivery trucks and other vehicles typically found at construction sites. On-road vehicles older than the 2007-model year typically should be retrofitted with diesel oxidation catalysts or diesel particulate filters for projects. Again, the use of newer vehicles that meet EPA

standards would eliminate the need for retrofits.

Additionally, Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies (RCSA) limits the idling of mobile sources to 3 minutes. This regulation applies to most vehicles such as trucks and other diesel engine-powered vehicles commonly used on construction sites. Adhering to the regulation will reduce unnecessary idling at truck staging zones, delivery or truck dumping areas and further reduce on-road and construction equipment emissions. Use of posted signs indicating the three-minute idling limit is recommended. It should be noted that only DEEP can enforce Section 22a-174-18(b)(3)(C) of the RCSA. Therefore, it is recommended that the project sponsor include language similar to the anti-idling regulations in the contract specifications for construction in order to allow them to enforce idling restrictions at the project site without the involvement of the DEEP.

- b) *Water Quality*— The DEEP 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.

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, the soils at the property consist of urban land. 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.

- c) *Noise*— N/A

2) *Impact on a public water supply system or serious effects on groundwater, flooding, erosion, or sedimentation*

- a) *Water Supply*— This project does not appear to be in a public water supply source water area; therefore, the Drinking Water Section of the Department of Public Health

has no comments.

b) *Groundwater*— N/A

c) *Flooding*— The entire site is within the 100-year flood zone of the Connecticut River on the community's Flood Insurance Rate Map. Because it is a State action, the project must be certified by the DECD as being in compliance with flood and stormwater management standards specified in section 25-68d of the CGS and section 25-68h-1 through 25-68h-3 of the Regulations of Connecticut State Agencies and receive approval from the Department. Service facilities, such as electrical and heating equipment, must be constructed at or above the elevation of the base flood or floodproofed with a passive system; all water supply equipment must be designed to prevent flood waters from entering and contaminating the system; and all sanitary sewer collection systems must have watertight manhole covers and, if equipped with vents, must extend above the elevation of the base flood.

3) *Effect on natural land resources and formations, including coastal and inland wetlands, and the maintenance of in-stream flows*—

This project will require an individual permit for construction within tidal, coastal or navigable waters from the Land & Water Resources Division (LWRD) pursuant to the Structures, Dredging and Fill Act, section 22a-359 through 22a-363f of the Connecticut General Statutes (CGS). The regulatory jurisdiction limit is the area up to and including the elevation of the coastal jurisdiction line (CJL) as determined for the State's major tidal waterbodies, including the Connecticut River.

Any work or construction activity within federally regulated wetland areas or waters of the United States may require a permit from the U.S. Army Corps of Engineers (USACE) pursuant to section 404 of the Clean Water Act or section 10 of the Rivers and Harbors Act.

Stormwater discharges from construction sites where one or more acres are to be disturbed, regardless of project phasing, require an NPDES permit from the Permitting & Enforcement Division. The General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities (DEEP-WPED-GP-015) will cover these discharges. The construction stormwater general permit dictates separate compliance procedures for Locally Approvable projects and Locally Exempt projects (as defined in the permit). Locally Exempt construction projects disturbing over 1 acre must submit a registration form and Stormwater Pollution Control Plan (SWPCP) to the Department. Locally Approvable construction projects with a total disturbed area of one to five acres are not required to register with the Department provided the development plan has been approved by a municipal land use agency and adheres to local erosion and sediment control land use regulations and the CT Guidelines for Soil Erosion and Sediment Control. Locally Approvable construction projects with a total disturbed area of five or more acres must submit a registration form to the Department prior to the

initiation of construction. This registration shall include a certification by a Qualified Professional who designed the project and a certification by a Qualified Professional or regional Conservation District who reviewed the SWPCP and deemed it consistent with the requirements of the general permit. The SWPCP for Locally Approvable projects is not required to be submitted to the Department unless requested. The SWPCP must include measures such as erosion and sediment controls and post construction stormwater management. A goal of 80 percent removal of total suspended solids from the stormwater discharge shall be used in designing and installing postconstruction stormwater management measures. Stormwater treatment systems must be designed to comply with the post-construction stormwater performance management requirements of the permit. These include post-construction performance standards requiring retention of the water quality volume and incorporating control measures for runoff reduction and low impact development practices.

- 4) *Disruption or alteration of an historic, archeological, cultural or recreational building, object, district, site or surroundings— N/A*
- 5) *Effect on natural communities and upon critical species of animal or plant and their habitats: interference with the movement of any resident or migratory fish or wildlife species—*

The project area is within shaded areas on the Natural Diversity Data Base (NDDB) maps that depict approximate locations of 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.

According to Natural Diversity Data Base records there are known extant populations of State Listed Species that occur within or close to the boundaries of this project. Please be advised that this is a preliminary review and not a final determination. A more detailed review will be necessary to move forward with any subsequent environmental permit applications submitted to DEEP for the proposed project.

To prevent impacts to State-listed species, field surveys of the site should be performed by a qualified biologist when these target species are identifiable. A report summarizing the results of such surveys should include:

1. Survey date(s) and duration
2. Site descriptions and photographs
3. List of component vascular plant and animal species within the survey area (including scientific binomials)
4. Data regarding population numbers and/or area occupied by State-listed species
5. Detailed maps of the area surveyed including the survey route and locations of State-listed species
6. Statement/résumé indicating the biologist's qualifications

The site surveys report should be sent to CT DEEP-NDDB Program

(deep.nddbrequest@ct.gov) for further review by program biologists along with an updated request for another NDDB review.

If you do not intend to do site surveys to determine the presence or absence of state-listed species, please let us know how you will protect the state-listed species from being impacted by this project. You may submit these best management practices or protection plans with your new request for an NDDB review. After reviewing your new NDDB request form and the documents describing how you will protect this species from project impacts we will make a final determination and provide you with a letter from our program to use with DEEP-Permits.

- 6) *Use of pesticides, toxic or hazardous materials or any other substance in such quantities as to create extensive detrimental environmental impact— N/A*
- 7) *Substantial aesthetic or visual effects— N/A*
- 8) *Inconsistency with the written and/or mapped policies of the statewide Plan of Conservation and Development and such other plans and policies developed or coordinated by the Office of Policy and Management or other agency—*

The proposed project is located within an area designated as Priority Funding Area on the 2013-2018 Conservation and Development Policies Plan.

- 9) *Disruption or division of an established community or inconsistency with adopted municipal or regional plans— N/A*
- 10) *Displacement or addition of substantial numbers of people— N/A*
- 11) *Substantial increase in congestion (traffic, recreational, other)— N/A*
- 12) *A substantial increase in the type or rate of energy use as a direct or indirect result of the action— N/A*
- 13) *The creation of a hazard to human health or safety—*

It does not appear that renovation or demolition activities that may be associated with this project are subject to the Department of Public Health (DPH), Childhood Lead Poisoning Prevention and Control Regulations (§19a-111-1 through 19a-111-11). However, there are other issues that must be addressed related to lead-based paint. Among these issues are the following:

- Testing of paint on existing structures marked for demolition or testing for lead in soils should be performed by a lead inspector or lead inspector/risk assessor certified by the DPH.

- Planned demolition or soil removal activities should be performed using lead-safe work practices.
- If lead-based paint or lead contaminated soil is identified, the classification and disposal of generated waste must comply with the Resource Conservation Recovery Act (RCRA) and Connecticut Department of Environmental Protection standards (e. g., Toxicity Characteristics Leaching Procedure [TCLP] testing, reporting, and record keeping requirements).
- Additionally, if lead-based paint, lead containing paint, or lead contaminated soil is identified, workers must be trained (as a minimum) according to the Occupational Safety and Health Administration (OSHA) lead standards (29 CFR 1926.62).
- Because other contaminants may also be present on the site, additional health and safety training may be required (e. g., hazardous waste and/or asbestos).

The demolition of an existing building in conjunction with this project may impact asbestos-containing materials. As required by the asbestos National Emission Standards for Hazardous Air Pollutants (40 C.F.R. Part 61, Subpart M) and in order to ensure compliance with DPH regulations, a thorough inspection must be conducted to determine the presence of asbestos prior to the commencement of the planned demolition activity. A DPH licensed asbestos consultant, with certification as an Inspector, must be hired to conduct such an inspection. If asbestos is identified it must be abated prior to being impacted by demolition. A DPH licensed asbestos contractor must be hired to conduct asbestos abatement that involves more than three (3) linear feet or more than three (3) square feet of asbestos-containing material. Additionally, the DPH must be provided with notification prior to asbestos abatement that involves greater than ten (10) linear feet or greater than twenty-five (25) square feet of asbestos-containing material. Asbestos abatement must be performed in accordance with all applicable federal, state and local 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, which 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.

The DEEP 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.

The following standard DEEP comments regarding building demolition projects should be observed, as applicable, during future planning and implementation of the project:

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 (ACM) and any such materials must be removed by asbestos abatement contractors that are licensed by the Department of Public Health (DPH). Additional information on asbestos contractors may be found at: Asbestos Contractors. ACM must be properly containerized and labeled, and must be shipped off-site using an asbestos manifest. Written notice must be submitted to the DPH ten working days prior to the demolition of any structure in accordance with Section 19a-332a-3 of the Regulations of Connecticut State Agencies.

Asbestos-containing material is regulated as a “special waste” in Connecticut, and may not be disposed of with regular construction and demolition waste. Instead, it may only be disposed at a facilities that are specifically authorized to accept ACM. Currently, there are only two facilities that are authorized to accept asbestos-containing material in Connecticut: Red Technologies in Portland and Manchester Landfill in Manchester (which can only accept non-friable types of asbestos-containing materials). Although the disposal of asbestos-containing material is typically arranged for by the licensed asbestos abatement contractor, project proponents should ensure that the contractor disposes of all such materials at properly-licensed facilities.

Demolition debris may also include materials that contain polychlorinated biphenyls (PCBs). Such materials can include transformers, capacitors, fluorescent light ballast and other oil containing equipment, and in certain building materials (i.e., paint, roofing, flooring, insulation, etc.). In recent years, EPA has also learned that caulk containing potentially harmful polychlorinated biphenyls (PCBs) was used around windows, door frames, masonry columns and other masonry building materials in many buildings starting in 1929 with increased popularity in the 1950s through the 1970s, including schools, large scale apartment complexes and public buildings. In general, these types of buildings built after 1978 do not contain PCBs in caulk. In 2009, EPA announced new guidance about managing PCBs in caulk and tools to help minimize possible exposure.

Where schools or other buildings were constructed or renovated prior to 1978, EPA and DEEP recommend that PCB-containing caulk removal be scheduled

during planned renovations, repairs (when replacing windows, doors, roofs, ventilation, etc.) and demolition projects, whenever possible. However, the continued use of such PCB materials is prohibited and, where it is identified, it must be addressed. EPA recommends testing caulk that is going to be removed as the first step in order to determine what protections are needed during removal. Where testing confirms the presence of PCBs, it is critically important to ensure that they are not released to air during replacement or repair of caulk in affected buildings. Many such PCB removal projects will need to include sampling of the substrate and soil, as well as require plans to be approved by EPA in coordination with DEEP.

In addition to asbestos and PCBs, demolition debris may also be contaminated with lead-based paint, chemical residues, or other materials that require special disposal.

Deconstruction, an environmentally-friendly alternative to demolition, should be utilized in order to salvage as many of the reusable materials as possible, diverting them from the waste stream. Salvaged items typically include doors, windows, cabinets, lighting and plumbing fixtures, framing lumber, roofing materials, and flooring.

Demolition waste that is not contaminated with asbestos, PCBs, or other materials that require special handling is subject to Connecticut's solid waste statutes and regulations, and must be reused, recycled, or disposed of accordingly. 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. Connecticut's Comprehensive Materials Management Strategy outlines a goal of 60% 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.

One way that certain types of construction and demolition waste can be reused is as clean fill. 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. Land-clearing 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.

- 14) *Any other substantial impact on natural, cultural, recreational or scenic resources—*
N/A

Cumulative Impacts: Not aware of any at this time.

Conclusion:

Following are the issues identified by various State agencies:

DEEP:

The City of Middletown has adopted a Harbor Management Plan pursuant to section 22a-113m of the CGS. Upon adoption of the plan, any of its recommendations for the use, development and preservation of the harbor are binding on state and municipal authorities when making regulatory decisions or undertaking or sponsoring development affecting the harbor area, unless they can show cause why a different action should be taken.

The DEEP Inland Fisheries Division has reviewed the conceptual plans and it does not appear that any consideration was given to addressing access for recreational fishing. The City has made much of the Harbor Park waterfront available for shore based fishing in recent years, including the area immediately in front of the Boathouse. Various users have been respectful of each other's needs and have generally worked to avoid conflict (i.e., anglers and organized crew clubs/teams in particular). Since state financial assistance is being sought for the project, the DEEP believes that it should be developed in a manner that does not hamper, and would preferably enhance, shore based fishing for the general public. We look forward to working with the City of Middletown as plans for this project, and for other and more expansive riverfront development projects that will benefit the public's use and enjoyment of the Connecticut River, are developed in the years to come.

DPH:

The project mentions demolition of the existing boathouse; therefore, a plan must be in place to address lead-based paint, asbestos and lead contaminated soils since these types of construction activities could result in the disturbance of surfaces that may contain lead-based paint, asbestos and/or lead contaminated soils.

Recommendations:

The Environmental Assessment Checklist for this project does not appear to trigger an obligation under CEPA for an Environmental Impact Evaluation (EIE).