

COUNCIL ON ENVIRONMENTAL QUALITY



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September 17, 2019

Carlos Esguerra
Department of Energy and Environmental Protection
79 Elm Street
Hartford CT 06106-5127

RE: Notice of Scoping for Coventry Low-Pressure Sewer Extension

Dear Mr. Esguerra:

The Council on Environmental Quality (“the Council”) reviewed the Scoping Notice for the Coventry Low-Pressure Sewer Extension that was posted in the Environmental Monitor of August 20, 2019. The Council determined that the proposed sewer expansion necessitates inquiry into the planning implications, potential environmental impacts, and economic considerations of the proposed new sewer segment, as explained in the three points and six recommendations below.

I. The project threatens the integrity of the EIE process in Connecticut

This particular proposal raises concern about the reliability of assurances made in an Environmental Impact Evaluation (EIE). The EIE for the publicly funded sewer line in Bolton (2006), to which the proposed Coventry sewer extension would be attached, was explicit that the sewer line comports with the Conservation and Development Plan (C&D Plan) and will not extend into Coventry: “The C&D Plan supports sewer service within areas designated as RCC [Regional Community Center], such as along Route 44. In the lake area, those sewers are to address existing properties with substandard septic systems and therefore are also consistent with the C&D Plan.” With regard to three portions of the sewer service area that appear to be contrary to the C&D Plan, the following three assurances were made with respect to sewer-induced development:

1. For the Conservation Area and Level A/B Aquifer Protection Area along Route 44 in Bolton, adjacent to Manchester, it stated “development along the sewer line will be limited to properties with frontage on the sewer line. All development shall be consistent with the current zoning at the time that the BLRWPCA [Bolton Lakes Regional Water Pollution Control Authority] was created.”
2. For the Conservation Area in Bolton, along Route 44 adjacent to the Coventry town boundary, it stated “the sewer pipe size for this area will be restricted to accommodate existing development only. **No provisions will be made to provide sewer service into Coventry**” [emphasis added].
3. For the “Preservation Area” and “Rural Land” in Vernon, which includes a large parcel that abuts the Coventry town boundary, it stated “Much of this parcel contains inland wetlands and is therefore not suitable for development. If sewers are extended to this parcel, they will not be an inducement to development beyond what could already be developed without sewers.”

This proposal to extend sewers into Coventry is an explicit contradiction of assurances made in the 2006 EIE for the publically funded Bolton sewer line. There is a public policy interest in upholding that specific public commitment.

Recommendation 1: It is incumbent on the Department of Energy and Environmental Protection (DEEP) to review the Coventry proposal to assess 1) what economic, ecological and regional planning objectives led to the assurance that the Bolton sewer line would not be extended; and 2) what conditions would be necessary in the proposed extension to comply with the objectives that led to that restriction for the Bolton sewer line?

II. Private projects that are totally dependent on public infrastructure warrant enhanced scrutiny for consistency with regional and local planning objectives

The private funding of the proposed Coventry sewer project is not justification to escape the scrutiny that would be required if the project were publicly funded. The proposed Coventry segment is distinct from projects, like highways, that were built to accommodate additional users. It would not be possible were it not for the expenditure of public funds for the Manchester Sewage Treatment Facility and for the Bolton sewer line, that specifically excluded additional users.

For years the Department of Energy and Environmental Protection (DEEP) maintained that new, private infrastructure intended to tie into publicly funded infrastructure that is inconsistent with the State Plan of Conservation and Development (POCD) would not be approved, unless it is intended to solve an existing pollution problem. The rationale for the policy was explained by former Commissioner Gina McCarthy in a letter to State Representative Craig Miner on May 5, 2005, “but for the consistent [with the POCD] publicly funded wastewater infrastructure, the private project could not occur”.

On May 20, 2015 DEEP issued a memo stating that in the interest of eliminating redundancy, it will be the responsibility of the Water Pollution Control Authority to ensure that all the design and administrative requirements are met and to assure “that the project is consistent with the requirements of current state and local plans of conservation and development”. Such an assertion with regard to the Coventry expansion is problematic since there are goals in state, local and regional planning documents that it jeopardizes.

The State’s POCD for the Coventry service area shows it to be predominantly an area of Local Conservation Priority due to the presence of prime farmland soils and adjacent to active agricultural lands. The Capitol Region Council of Government’s Plan of Development does not specifically identify a sewer service area. To the contrary, it contains the objective to “discourage the joint extension of sewer and water service into unsewered rural areas, except for sewer extensions in areas planned for significant commercial or industrial development”.

Coventry’s Plan of Conservation and Development (2009) noted that the “Authority should consider sewer plant expansion and/or connecting to another town’s sewer system within the next ten years. Connecting to Bolton’s planned sewer system to resolve existing septic issues on Route 44 at the Bolton line should be explored.” That recommendation was intended to resolve potential environmental and health issues associated with “septic issues” and not economic development. The sole reason identified in the Scoping notice for the Coventry sewer extension is “economic development”.

Recommendation 2: Because the Coventry extension would include an area that is explicitly excluded from sewer service, in State, regional and local planning documents, it is incumbent on DEEP to request documentation of septic system failures that might justify the expansion into Coventry. If there are such failures, DEEP should require conditions to prevent the secondary development that was clearly intended to be avoided in Bolton, and to prevent unrestrained growth along Route 44 in Coventry, which abuts valuable agricultural soils and resources

Recommendation 3: An adjustment by DEEP to its May 2015 policy that depends on a local review to determine conformity with state and local Conservation and Development Plans is appropriate in instances, like this, where infrastructure projects are explicitly excluded, or not addressed, in the original EIE that created the infrastructure upon which the new project is dependent.

A corollary issue in this proposed expansion is project segmentation. Dividing large projects into smaller components is generally discouraged in environmental analysis. Segmentation can obscure the impacts of a large project because it is never examined in its entirety. In this case, project segmentation would be a consequence of private investments that normally would escape an impact analysis. There is a need for close examination by DEEP of the proposal's latent regional impacts.

III. There are environmental and economic considerations that need review prior to acceptance by DEEP of a revision of the funding agreement that is in place for the Bolton sewer line

In the 2006 EIE for the Bolton sewer line there was no assessment of the environmental and economic impacts of a Coventry extension.

The discharge point for the proposed 2,000 foot sewer extension would be the Manchester Water Pollution Control Facility (WPCF) with discharge to the Hockanum River, which leads to the Connecticut River and then Long Island Sound. The Hockanum River is included on the Connecticut Impaired Waters List in the 2018 Water Quality Report to Congress. It is listed as not supporting aquatic life in 23 of the approximately 26.3 miles that were assessed. The Scoping Notice predicts an increase in flow to the Manchester WPCF of between 9,329 and 29,027 gallons per day (GPD). Adding to the nutrient load for the Hockanum River via the Manchester WPCF, if not necessitated by greater environmental impacts associated with the absence of alternative wastewater treatment options, may exacerbate water quality issues in the Hockanum River.

Recommendation 4: Before any decision is made regarding expansion of the sewer line, an assessment of the indirect and direct impacts of the proposed extension should be required. It should include mitigation strategies to reduce potential impacts on: water quality and recharge of ground water, wetlands, environmentally sensitive areas, prime agricultural farmland, wildlife habitat, endangered or threatened species and on State and regional planning goals.

The Scoping Notice states that "As owners of the properties in the service area wish to connect to public sewers, they would enter into a developer's agreement with Coventry, and pay for any construction needed to extend sewers up to and onto their properties. The owners would each purchase, install, and maintain a sewage grinder pump that meets Coventry and Bolton Lakes Regional Water Pollution Authority (BLRWPCA) specifications."

Recommendation 5: DEEP should require an analysis of the financial resources required to properly maintain the proposed sewer line and address the question of who would pay for the maintenance of the proposed sewer line if the anticipated economic development within the Town of Coventry does not occur.

The Council also encourages DEEP to examine the full costs for staff resources for both DEEP and the Department of Transportation (DOT) to ensure the proposed project is installed and maintained properly. Additionally, increased costs at the Manchester facility, if any, should be identified.

The Scoping Notice also states that the “estimated average daily flow from the area as it exists now is 9,329 GPD. With moderate development the estimated average daily flow would be 29,027 GPD. The small increase in flow rate and resultant pressure that are anticipated will pose no adverse effect to the BLRWPCA system operation”. The EIE for the Bolton Sewer line stated “the sewer pipe size for this area will be restricted to accommodate existing development only.” These contradictory statements need to be reconciled.

Recommendation 6: A determination needs to be made as to whether the existing Bolton sewer can accommodate the wastewater flow at the “restricted” point of interconnection and, if not, what are the costs of any needed modifications.

Thank you for your consideration of these comments. Please do not hesitate to contact the Council if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Peter Hearn". The signature is written in black ink and is positioned above the printed name.

Peter Hearn

Executive Director