

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

The United Illuminating Company's Application for a)	Docket 465
Certificate of Environmental Compatibility and Public)	
Need for the Proposed Baird Substation at 1770)	
Stratford Avenue, Stratford, CT)	March 28, 2016

POST-HEARING BRIEF OF
THE UNITED ILLUMINATING COMPANY

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I. Executive Summary

The United Illuminating Company (“UI” or the “Company”) filed an application (“Application”) with the Connecticut Siting Council (the “Council”) for the issuance of a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a 115/13.8 kilovolt (“115/13.8-kV”) replacement substation in the Town of Stratford (“Town” or “Stratford”) (“the Project”). UI proposes locating this Project on an approximately 1.5 acre portion of two adjoining UI-owned parcels directly adjacent to UI’s existing Baird Substation at 1770 Stratford Avenue, Stratford, Connecticut (the “Site”). The proposed property abuts a rail corridor and businesses engaged in manufacturing and other commercial activities. The Project will have no substantial adverse environmental impact and is consistent with state policies concerning the natural environment and ecological balance, public health and safety, and scenic historic and recreational values.

UI needs to build this Project to efficiently and economically address several aging infrastructure and compliance needs that threaten the reliability of electric service to the Stratford area. Additionally, the Project will result in beneficial reuse of a portion of a former industrial site.

The Site on Stratford Avenue represents the best opportunity to maintain the long-term viability and reliability of the electric system while balancing environmental, aesthetic and cost considerations. The proposed Site provides the following unique benefits: (i) the Site is owned by UI and was previously developed for industrial purposes, minimizing the environmental impact; (ii) it is located immediately adjacent to transmission lines; (iii) it is the most economically practical; and (iv) it is located in an area dominated by commercial, industrial and rail activities. UI has gone to great lengths to protect the surrounding community and environment in accordance with federal, state, and where practicable, local requirements and concerns.

For these reasons, the Project satisfies the criteria for the issuance of a Certificate of Environmental Compatibility and Public Need.

II. Overview of the Project

A. Site Description

The proposed 1.5 acre Site consists of two adjoining UI-owned properties totaling 3.5 acres at 1770 Stratford Avenue in Stratford. The westernmost portion of these two combined parcels is presently occupied by the existing Baird substation. The Site is bounded to the west by the Savings Auto Center, to the south by Stratford Avenue (State Route 130), to the east by the Two Roads Brewing Company and to the north by the Metro-North Railroad (“MNR”) corridor. Two UI-owned 115-kV transmission circuits occupy the MNR corridor, serving the existing Baird substation, as well as nearby UI substations in Bridgeport and Stratford.

The proposed substation Site consists of previously disturbed and contaminated soils, with a small low-quality wetland (approximately 664 square feet), located on the Site. Tr. at 13. Unfortunately, UI cannot avoid filling in this wetland. However, this wetland serves almost no

function, and in essence is “the last sort of small pocket of land that hasn’t been filled.” Tr. at 21-22.

B. Need for the Project

This is a replacement Project. The existing Baird substation has inadequate transmission bus capacity, has insufficient structural integrity with regard to the transmission bus and support structures, is unable to provide adequate distribution voltage regulation in certain operating conditions, contains aging and antiquated switchgear, and cannot accommodate a new, modern control enclosure space imperative for continued reliable operation. UI Application (hereafter “UIA”) at 23.

UI examined various solutions, including piecemeal and in-kind replacement options. After careful review, the Company determined that the proposed Project will most effectively and efficiently meet the long-term capacity, infrastructure and compliance needs of the area, both safely and reliably.¹ UIA at 27.

III. The Project Satisfies the Criteria for Issuing a Certificate

Connecticut General Statutes Section 16-50k(a) provides that no person shall “...commence the construction or supplying of a facility, or commence any modification of a facility, that may, as determined by the [C]ouncil, have a substantial adverse environmental effect in the state without having first obtained a certificate of environmental compatibility and public need.”²

As thoroughly explained within the record, this Project will not have an adverse environmental impact and complies with state policies concerning the natural environment and ecological balance, public health and safety, and scenic, historic, and recreations values. The

¹ UI additionally conducted a Site Selection Study that reviewed 12 sites and determined that the proposed project Site is the most economical and practical of the sites examined. UIA at 72.

² Conn. Gen. Stat § 16-50k(a).

Project will not have a substantial impact on the visual characteristics of the Site,³ and with the exception of the filling of a small low-quality wetland, the Project will result in no substantial adverse impact to the ecological balance of the Site. The Project is necessary for the safe and reliable transmission of distribution of energy in the state and region. The Project therefore satisfies the criteria for the issuance of a Certificate of Environmental Compatibility and Public Need.

A. UI Satisfied or Exceeded All Procedural Requirements Set Forth in the General Statutes, Regulations and the Council's Application Guide

Section 16-507 of the Conn. Gen. Stat. mandates specific procedural requirements for making an application for a Certificate. UI met or exceeded each of these requirements, including but not limited to: providing Stratford with a municipal consultation filing, providing notice or a copy of the Application to those persons or entities entitled to such, the publication of legal notices and posting of signs.

UI worked diligently to design with community in mind. UI conducted extensive municipal and community outreach, and received support from both Stratford and a large manufacturing abutter to the Project, Two Roads Brewing Company ("Two Roads"). UI altered its design to accommodate Stratford's future roadwork and beautification plans and to maintain sufficient parking at Two Roads.

B. Noise

The Project will result in minimal noise impacts. The predicted substation sound levels will comply with the regulatory limits specified by the City and the State, and the potential increase to the ambient sound level at the nearest noise sensitive receptors are expected to be less

³ UIA Appendix E at 6.

than perceptible due to the influence of traffic on local roads and Interstate 95, train traffic, the VIP Car Wash dryer fans, and wind blowing in the trees. UIA Appendix D at 3.

C. Water Resources

There is one small low-quality wetland on the Site that formed as a result of the deposit of urban fill throughout the Site. *See tr.* at 21-22. The development of the substation will require that UI fill in this wetland. UI's certified soil scientist, Mr. David Lord thoroughly examined this wetland and the surrounding area and determined that "[n]one of the thirteen functions and values commonly associated with wetlands were found to be present at anything other than very limited levels within the subject wetland area... [t]he subject wetland does not provide even these very basic functions and values at more than a very minimal level." Response to Interrogatory CSC-I-12 Attachment C at 2. Further, due to the permanent filling of this wetland, UI will make an approximately \$5,000 donation to the Town of Stratford for a charity associated with the Housatonic River. UIA at 57.

UI will coordinate with the necessary federal and state regulatory authorities to obtain a permit for the filling of this wetland.

Further, to avoid, minimize and mitigate any secondary impacts from construction activities, UI will register under the Department of Energy and Environmental Protection's ("DEEP") General Permit for Stormwater and Dewatering Wastewaters from Construction Activities. In addition to obtaining this registration from CT DEEP, UI will also employ a site-specific Stormwater Pollution Control Plan.

D. Public Health, Safety, and Security

The Project will not have any impact on public health and safety. As evidenced by the record, the proposed Project will not significantly change the electric and magnetic field

(“EMF”) levels surrounding the substation. UIA Appendix G at 27. UI performed an EMF assessment in concordance with the Council’s Best Management Practices for transmission lines. The Project is consistent with “no-cost/low-cost designs that do not compromise system reliability or worker safety, or environmental and aesthetic project goals” as called for in the Council’s guide. *Id.*

UI will enclose the perimeter of the substation with a 14-foot-high chain link fence equipped with opaque slats, topped with one foot of barbed wire (three strands) around the perimeter to deter unauthorized entry. UI will utilize security cameras, motion detectors, and a locked gate at the substation entrance, as well as appropriate signs alerting the public to the presence of high-voltage equipment protect UI’s facility (and thus the electrical grid). UIA at 44.

To prevent oil spills from impacting the surrounding area, UI will install oil spill containment basins around the proposed transformers that meet the EPA’s Spill Prevention Controls and Countermeasures secondary containment criteria for oil-filled equipment of 110% capacity. UIA at 45.

E. Scenic, Historic, and Recreational Values

The Project will have no impact on scenic, historic and recreational values. The Connecticut State Historic Preservation Office has indicated that there are no known and recorded historic and archaeological sites on or near the Project. UIA at 52.

The Site is owned by UI and is a former industrial property that abuts land used for commercial, industrial, and rail purposes. No parks, designated recreational areas, or public open space abut or are located within half a mile from the Site. UIA Appendix E at 29.

F. Visual Assessments

UI designed the Project so as to minimize any potential visual impact. In general, year-round views of the substation and associated structures would be limited to a modest geographic footprint surrounding the Site due to the equipment selected, the intervening development and existing vegetation. The proposed new structures would create views that are similar to the current landscape. UI has demonstrated in the record that the Project will not have a substantial adverse visual effect on the surrounding environment.

G. Vegetation and Wildlife

After a review of the Natural Diversity Database, the DEEP determined that it anticipates no negative impact to state-listed species as a result of the Project. UIA at 49. However, after receiving this determination but during the permitting process, the U.S. Fish and Wildlife Service proposed adding the northern long-eared bat (“NLEB”) to the threatened species list.⁴ In response, UI performed a targeted site analysis to determine if the Project Site represented a viable habitat for the bat. Through this analysis, UI determined that because the lack of hibernacula (a type of cave like space) and smooth bark present on the tree species where the NLEB would roost, the Site does not provide a sustainable habitat for the NLEB. UIA Appendix K at 3. Without a viable habitat present on Site, the Project will not impact the NLEB. *Id.*

The other species generally present on a transient basis on the Site (i.e. crows) are typically more tolerant of human disturbance and are capable of adapting to alternate

⁴ See 50 C.F.R. § 17.40(o). The U.S. Fish and Wildlife Service added the northern long-eared bat to the threatened species list by final rule effective February 16, 2016.

environments. UIA at 49. As a result, the Project will not have a substantial impact on the overall vegetation and wildlife in the area surrounding the Project.

H. UI's Mitigation Measures will Protect the Environment

UI has designed the Project in such a way as to protect the environment and commits to implementing any and all procedures, policies, and controls to protect the environment pre-, concurrent with, and post-construction. These measures will include the installation, inspection, and careful maintenance of erosion controls consistent with the "site-specific" Stormwater Pollution Control Plan UI will file as part of its registration for a DEEP General Permit for Stormwater and Dewatering Wastewaters from Construction Activities.

UI will prepare and file a Development and Management Plan ("D&M Plan") with the Council for approval. The D&M Plan will outline exactly how the Company intends to construct the Project and will include Construction Best Management Practices, designed to minimize or eliminate any potential adverse environmental effects that may occur as a result of construction activities.


IV. Conclusion

The record reflects UI's consistent and meaningful public outreach as well as its careful and skilled design process. The relatively minor effects associated with the construction, operation, and maintenance of a new 115/13.8-kV electric substation and associated facilities located at 1770 Stratford Avenue, Stratford, and do not conflict with State policies concerning such effects. As these effects are outweighed by the public need associated with this Project, they do not constitute sufficient cause to deny the Application. UI has demonstrated that the Project complies with all governing statutes and regulations, as well as the requirements and standards of the Council.

The Project will not result in a substantial impact to the natural environment; ecological integrity and balance; forests and parks; scenic, historic, and recreation values; air and water purity; fish and wildlife; or to public health and safety. The benefits of a new substation in the greater Stratford area far exceed any potential disruption to the property or surrounding area. Therefore, UI respectfully requests that the Council issue a Certificate of Environmental Compatibility and Public Need for the Project as provided by Conn. Gen. Stat. § 16-50k.

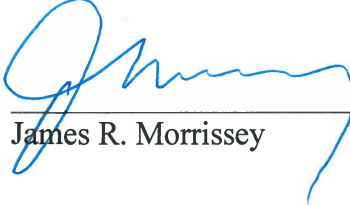
Respectfully submitted,

THE UNITED ILLUMINATING COMPANY

By: 
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CERTIFICATION

This is to certify that on this 28th day of March, 2016, an original and fifteen (15) copies of the foregoing were mailed by Federal Express to The Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut 06051, one copy was served on all other known parties and intervenors electronically on this 28th day of March, 2016 and an electronic copy was provided to the Connecticut Siting Council.



James R. Morrissey