

April 2, 2020

Beverly Flowers
Connecticut Department of Energy and Environmental Protection
Land and Water Resources Division
79 Elm St.
Hartford, CT 06106-5127

**RE: CT DEEP Application #202004383-SDF
DOT State Project #102-295 Median Reconstruction and Resurfacing of I-95 Norwalk
and Westport
DOT Application Dated February 10, 2020 to DEEP for Water Resource Construction
Activities General Permit**

Dear Ms. Flowers:

The Westport Shellfish Commission under the auspices of the Westport Conservation Department is in receipt of the "Notification of Submittal" by the Connecticut Department of Transportation Bureau of Policy and Planning of the above-referenced application to your agency.

Upon review of this application, in attachment D there is only a consultation form from the Norwalk Shellfish Commission and nothing from the Westport Shellfish Commission. We are surprised about this apparent omission and therefore, from our perspective, would consider the application incomplete without comments from the Westport Shellfish Commission.

We are wondering why we were overlooked. On August 2, 2016 the chair of the Commission signed the "Attachment D: Shellfish Commission DEP Permit Consultation Form" following discussion with the Commission and attached a letter dated July 28, 2016 to Mr. Andrew Davis of the CT DOT. We include it here for your attention but, in no way, does it replace what should have been included in the present application.

Scanning through the present application, it appears that the dates on other attachments are in 2019. We have since learned that the Norwalk Harbor Management Commission received "preparatory documents dated September 22, 2019. However, we never received the September 22, 2019 documents." Hence, the Westport Shellfish Commission was never able to weigh in on the project at that time. This omission is a serious issue as we had, and have, concerns regarding the project as it pertains to the span over the Saugatuck River and the lack of storm water remediation and the health of our significant shellfish resources in the waters directly below.

In addition to the absence of the consultation form and letter, it's insufficient that DOT has not responded to nor addressed our concerns as it affects Westport though they did make accommodations for Norwalk.

As you can see from our 2016 letter, we are objecting to the lack of water quality treatment components in the design. The Saugatuck River Estuary is listed on the state's list of impaired waterways. The passing of amendments to the Clean Water Act in 1987, and other measures have focused on efforts to improve water quality to reach the goal of fishable and swimmable waters.

We have learned that the EPA's MS4 program has been changed to now mandate that states comply to the same stormwater runoff standards as is required by certain sized municipalities. Is this project that passes over the Saugatuck River designed to meet those new EPA-mandated standards?

There are approximately 36 scuppers, about 20 being directly over the river plus downspouts attached to piers/abutments. Waiting below and in line from the downspout discharges are some of the most prolific shellfish beds in the United States. Why wouldn't we want to improve the quality of the stormwater runoff coming off from this congested highway while we have the opportunity when roadwork is being done? We applaud the improvements made to addresses this issue in Norwalk but what about the Saugatuck River?

Though the same safeguards that will be made in Norwalk may not be appropriate for the Saugatuck bridge, there probably are different solutions that could be employed in the Westport section of the roadway.

Many studies and documents from the National Cooperative Highway Research Program, Transportation Research Board, and several state transportation department manuals clearly establish policies to discourage direct runoff discharge and reference many design features to contain and treat bridge runoff. We have been told that the work on the Saugatuck bridge is too limiting to warrant storm water remediation. However, from the standpoint of the Westport Shellfish Commission, our shellfish resource cannot afford to be limited by the lack of concern with what falls upon it from above. Our shellfish cannot wait until DOT has a larger rehabilitation project on the bridge. The Saugatuck River needs contaminant reduction from the bridge above in accordance with federally and state-required restoration of water uses per the federal Clean Water Act. Current practices in Rhode Island., for instance, address EPA-imposed requirements for water quality improvements in ALL state bridge reconstruction and rehab projects.

Though the Shellfish Commissioners are not engineers they are aware that successful methods have been created. Perhaps raised bridge drains or hooded traps and sumps in some of the catch basins with routine cleanings might be possible solutions. One appealing structure is the friction course pavement (PFC) on the bridge deck. A PFC has the added value of noise reduction; this would be particularly advantageous given the density of housing and retail establishments beneath the land sides of the bridge.

Under the bridge deck, there are open scuppers; it is obvious that these have no treatment infrastructure. There are also downspouts mounted on abutments/piers, some out in the river and some on land. We would like to know what, if any, treatment is already in place to receive discharge from these downspouts and how DOT could remedy the ones that are not addressed. Some downspouts pour directly onto the paved DEEP Saxon Lane boat launch that is slanted directly down to the river with no containment. Perhaps those downspouts on piers out in the river could be retrofitted with some form of small floating pile wetland or some other BMP retention. We would like to see discharge abatement as part of this project.

In summation, the Westport Shellfish Commission, though grateful for repairs to the Saugatuck bridge, is concerned that the Commission was overlooked by DOT. If it had the opportunity to review and complete a new Consultation Form we would have raised all of the issues noted above. Therefore, we respectfully request that this letter serve as our Attachment D and that it be shared with all applicable recipients that are included in the February 10, 2020 DOT General Permit Application submission.

There are several opportunities for DOT to treat bridge stormwater runoff both in the bridge deck as well as underneath with the downspouts to the benefit of river water quality, the future of shellfish stocks, as well as to sediment control affecting navigation channel maintenance, and to the public at large. We believe that the DOT should address storm water remediation for the Saugatuck bridge just as they considered Norwalk's concerns.

Respectfully submitted,

Alicia Mozian
Conservation Director
Town of Westport

Enclosure/attachments:

July 28, 2016 letter to Andrew Davis, CT DOT with Shellfish Commission Consultation Form signed August 1, 2016 by Clarinda Higgins, Chair

Photographs (3)

Cc Christopher Samorajczyk, CT DOT
Andrew Davis, CT DOT
Kimberly C. Lesay, CT DOT
Micheal Gryzwinski, CT DEEP
The Honorable James Marpe, Westport First Selectman
Peter Ratkiewich, Westport Public Works Director
Westport Shellfish Commission
Norwalk Harbor Management Commission