DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION
REPORT: Inland Wetlands & Watercourses Permit, MDC SHCST, 611 Brookfield St. and 180 John D. Wardlaw Way
for consideration May 11, 2021

STAFF REPORT

TO:	**Inland Wetlands & Watercourses Commission**
PREPARED BY:	**Elizabeth Sanderson, Municipal Inland Wetlands Agent** **Elizabeth.sanderson@hartford.gov, 860-936-4489**
PROJECT INFO.:	**Application for Inland Wetlands & Watercourses Permit at** **1) 611 Brookfield St., Parcel ID 140-588-004,** **Property Owner: The Metropolitan District Commission** **2) 180 John D. Wardlaw Way, Parcel ID 140-588-003,** **Property Owner: City of Hartford Housing Authority**
ENERGOV ID:	**P&Z-COMM-2021-0373**
ZONE:	**OS Open Space District**
TYPE:	**Inland Wetlands & Watercourse Permit per Sec. 4.3 of Inland Wetlands & Watercourses Regulations Last Amended Feb. 28, 2017**
APPLICANT:	**Jessica Webb, Empire Paving**

City of Hartford GIS Map, 611 Brookfield St. and 180 John D. Wardlaw Way

BACKGROUND INFORMATION

Application is for an Inland Wetlands and Watercourses Permit to conduct regulated activity within wetlands, watercourse and upland review area related to remediation activities required as result of an inadvertent discharge of material from 611 Brookfield St. onto 180 John D. Wardlaw Way during construction of the MDC South Hartford Conveyance and Storage Tunnel. The requested permit term is one year. This application is provided in response to a Notice of Violation dated March 2, 2021 that was issued to the property owner's representative via e-mail, certified mail, and regular mail (Accela Code Case #: 9636459, see Attachment #1).

At its regular meeting on June 12, 2018 the Planning & Zoning Commission, acting in its authority as the Inland Wetlands Agency, approved an Inland Wetlands Permit for new construction of a Utility Use at 611 Brookfield St., subject to conditions (see Attachment #2). At the same meeting the Commission approved a Special Permit for the project, also subject to conditions (see Attachment #3). However, the previously issued permits do not include filling within the wetlands, watercourse, and upland review area.

Figure 1. Photograph from AECOM depicting slurry waste that leaked from 611 Brookfield St. onto a portion of the adjacent property (180 John D. Wardlaw Way), owned by the City of Hartford Housing Authority, which contains the South Branch of the Park River and associated wetlands and upland review area.

KEY APPLICATION TIMELINES

- Submission Date: March 12, 2021.
- Application Date of Receipt: March 23, 2021 (sooner of either: date of next regularly scheduled meeting, or 35 days after acceptance of complete application).
- Public Hearing is scheduled to open on Tuesday, May 11, 2021; Open Hearing Deadline: May 27, 2021.
- Close Hearing Deadline (if opens May 11, 2021): Tuesday, June 15, 2021.

- CT General Statutes Sec.8-7D allow that the applicant may consent to one or more extensions of time, provided the total extension of all time periods shall not be for longer than 65 days*.
- On March 10, 2020, State of Connecticut Governor Ned Lamont declared a public health and civil preparedness emergency ("state of emergency") as a result of coronavirus disease 2019 (COVID-19) outbreak and pandemic.
- The Planning Division is operating under a series of Executive Orders issued by Governor Lamont (7.E & & 7.I) which modify public hearing noticing requirements ("Executive Orders").
- *Time periods that may pass or expire during the state of emergency may be further extended by no more than an additional 90 days, for a total of 155 extension days available, which may be applied towards all time periods, as needed.

LEGAL STANDARD

The Inland Wetlands Agency of the City of Hartford was established in accordance with an ordinance and designated to be the zoning commission (now the Planning and Zoning Commission) by ordinance in 1977, and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Regulations (IWWR) and the Inland Wetlands and Watercourses Act in the City of Hartford. (IWWR, Sec. 1.3)

The Agency shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities on inland wetlands and watercourses in the City of Hartford pursuant to sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended. (IWWE, Sec.1.5)

STANDARDS SPECIFIC TO THE USE

Relevant Sections of the Inland Wetlands & Watercourses Regulations, Last Amended February 28, 2017:

Sec. 2. Definitions

Sec. 2.1…"Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses… Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within 100 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity...

Sec. 4. Permitted Uses As of Right and Nonregulated Uses

Sec. 4.3. All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with section 6 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the duly authorized agent in accordance with section 12 of these regulations.

Section 10. Considerations for Decision
Sec. 10.2.

> "Criteria for Decision… the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:

(a) The environmental impact of the proposed regulated activity on wetlands or watercourses;
(b) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses.
(c) The relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses.
(d) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
(e) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
(f) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses."

Sec. 10.3.

"… the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Agency shall consider the facts and circumstances set forth in subsection 10.2 of this section. The finding and the reasons therefore shall be stated on the record in writing."

Sec. 10.4.

If an application is denied "on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate…"

Sec. 10.5.

"… "wetlands and water courses" includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (b) "habitats" means areas or environments in whi ch an organism or biological population normally lives or occurs.

FINDING OF FACTS

- Key findings and recommendations from the report entitled "611 Brookfield Street Slurry Release Evaluation Project Wetland Impact Assessment," prepared for Empire Paving, prepared by SLR International Corporation (SLR), dated April 2021 (the "Wetlands Report," Attachment #2):
    - The area of slurry deposition within the wetland and watercourse is approximately 4,710 sq. ft. (see Figure 2), including:
        - 4,140 sq. ft. of slope and floodplain wetland; and
        - 570 sq. ft. of river channel.
    - If left in place, the slurry will impact short-term herbaceous growth within parts of the wetland and affect water quality within the South Branch Park River.
    - It is recommended that the slurry be strategically removed, disturbed areas seeded, sediment & erosion controls installed, followed by post-restoration monitoring of the advancement of natural vegetation recovery (p.1).
    - Many herbaceous species were emerging through the slurry cracks in all but the deepest areas of deposited slurry, suggesting that parts of the impact areas will naturally revegetate and retain their critical functions (p. 3).

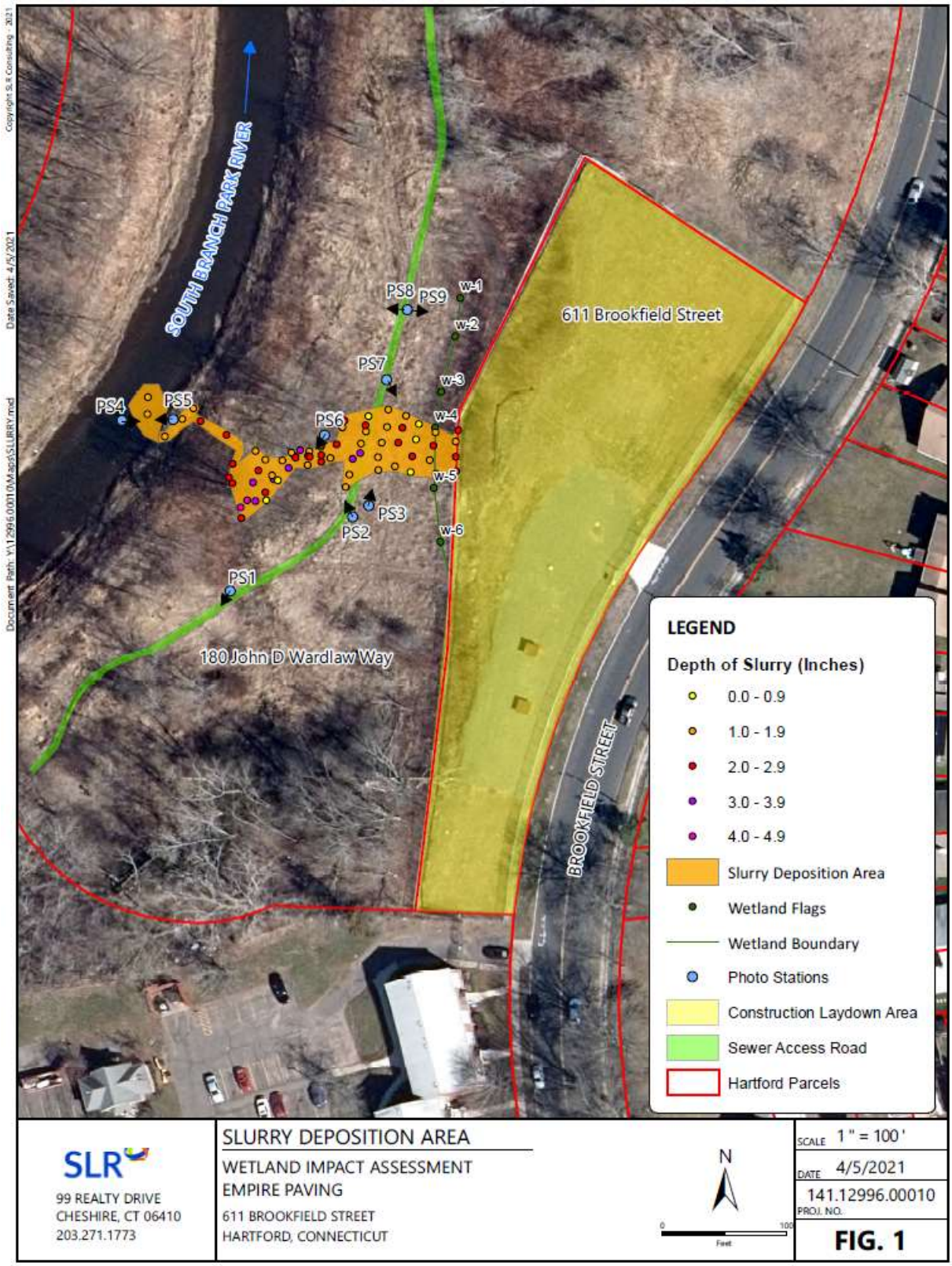

Figure 2. Map of Slurry Deposition Area from the Wetlands Report.

Wetland Functions and Values

- The Table of Wetland Functions and Values is included as Figure 3.
  - As identified within the table, certain functions and value are being impaired as a result of the deposition of material including:
    - floodflow alteration (net fill deposited in floodplain);
    - reduction in sediment retention/nutrient transformation from herbaceous vegetation suffocation; and
    - shellfish habitat (p.6).

Table 2-1 Wetland Functions and Values Assessment

	Functions and Values	Comments	Function and Value Impaired by Slurry (Y/N)
	Groundwater Recharge/Discharge	Yes – Seeps are present along wetland slopes.	N
	Flood Flow Alteration (Storage & Desynchronization)	Yes – The landscape position is within a mapped Federal Emergency Management Agency (FEMA) floodplain.	Y – fill deposited in floodplain
	Fish & Shellfish Habitat	Yes – The South Branch Park River provides fish and shellfish habitat.	Y -sediment covering gravel and pebbles
	Sediment/Toxicant Retention	Yes – Dense vegetation within the wetland allows for the retention of sediment/toxicants.	Y
	Nutrient Removal/Retention/ Transformation	Yes – Dense vegetation within the wetland allows for removal and retention of nutrients.	Y
	Production Export (Nutrient)	Yes – The wetland includes mast- and berry-producing vegetation, and the wetland is connected to a watercourse that would transport allochthonous materials to downstream habitats.	N
	Sediment/Shoreline/Watercourse Bank Stabilization	Yes – The wetland is connected to the South Branch Park River and contributes to bank stability.	N
	Wildlife Habitat	Yes – Existing wetland provides habitat for suburban and urban wildlife species and does not provide any wetland-dependent wildlife habitat. No vernal pools and/or other wetland-dependent wildlife habitat was found.	Y
	Recreation (Consumptive & Non-Consumptive)	Yes – Walking trails are located north of the project area. Evidence of public using the sanitary sewer access road is evident. The South Branch Park River can be used by canoers and kayakers.	N
	Educational Scientific Value	No – These wetlands currently do not provide educational opportunities. This wetland is located away from existing schools and is not publicly accessible.	N
	Uniqueness/Heritage	No – This wetland does not present unique attributes.	N
	Visual Quality/Aesthetics	No – The wetland does not contain inherent visual quality or aesthetic value.	N
ES	Endangered Species	No – This wetland is not mapped within a Connecticut Department of Energy & Environmental Protection (CTDEEP) Natural Diversity Database (NDDB) polygon, dated December 2020.	N

Figure 3. Table of Wetland Functions and Values Assessment from the Wetlands Report.

Proposed Remediation

- SLR recommends a combination of alternatives be implemented to achieve appropriate restoration of impacted wetland functions and values.
- Figure 4 depicts the different "Community Types" within the slurry deposition area.
- Figure 5 depicts SLR's recommended remediation alternatives.

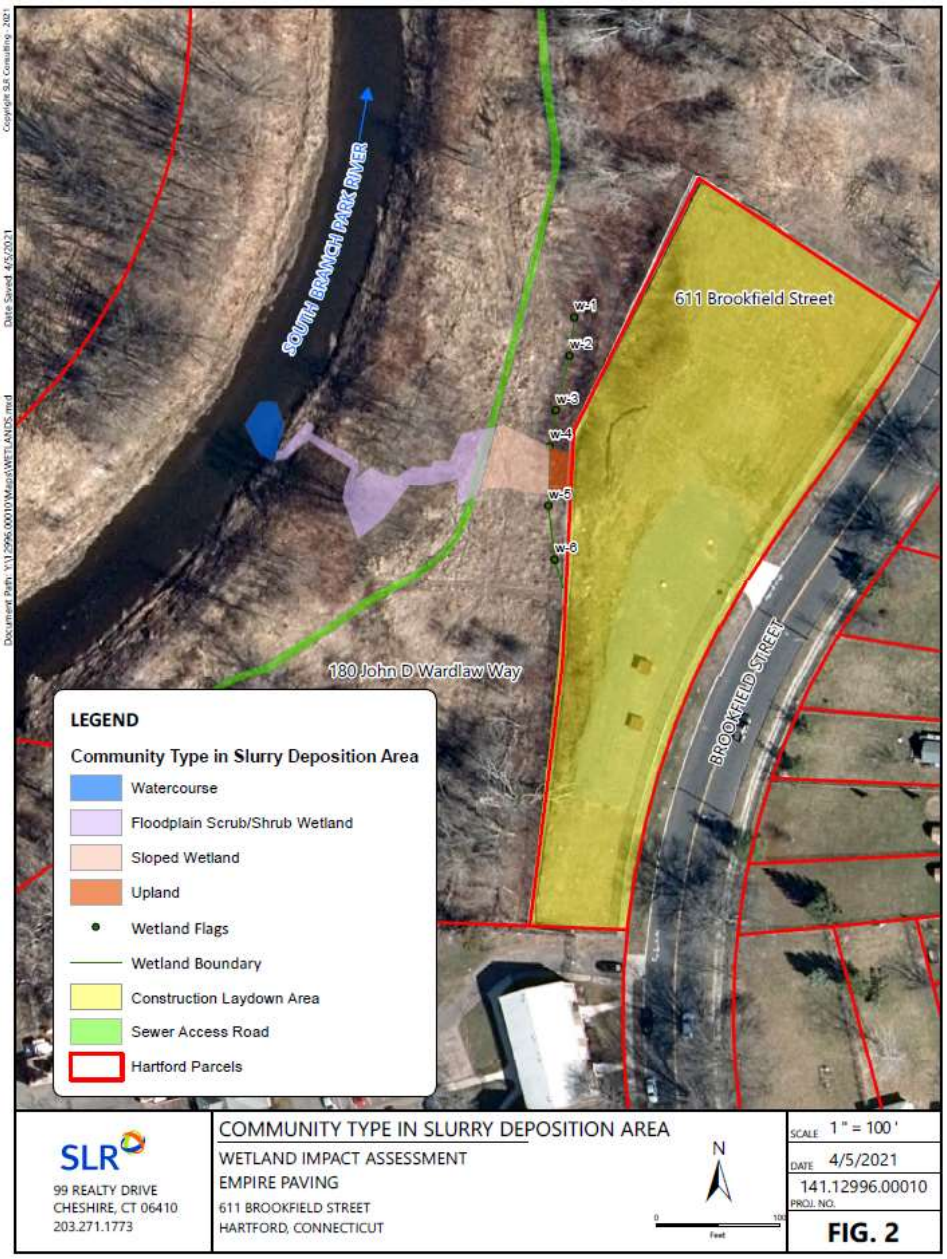

Figure 4. Map depicting Community Types on the subject site from the Wetlands Report.

Figure 5. Map from the Wetlands Report depicting areas of proposed remediation activities.

Wetland Remediation

- In the Sloped Wet Meadow Wetland, it is recommended that:
  - the thin slurry layer be left as is and allowed to revegetate through natural processes;
  - to speed the natural processes, it is recommended that a supplemental application of a seed mix New England Erosion Control for Moist Site and Detention Basin be applied to the thin layer of slurry present during the spring growing season April through early June.
  - Install a straw wattle (a.k.a. straw bio-log) at the toe of the slope to allow for filtering of stormwater runoff until the vegetation has reestablished itself along the slope.
- In the Wet Meadow Sanitary Sewer Access Road and Floodplain Scrub-Shrub Wetland, the following is recommended:
  - Remove slurry deposits in this area by hand until the underlying herbaceous vegetation is observed;
  - Use of rubber matting, plywood, and/or timber planks placed over the wetland and slurry will allow workers to access the material;
  - A rubber-tracked skid steer would be the most appropriate machine to gain access to the site while minimizing rutting within the wetland and sanitary sewer road;
  - Slurry material will need to be removed by hand shovels and metal rakes;
  - Wheelbarrows and/or 5-gallon buckets can be used to wheel or carry the excavated material out to the skid steer;
  - After material is removed, then the silt fence should be removed and replaced with straw wattles;
  - Work should be overseen by as wetland specialist to confirm appropriate remedial requirements have been achieved.

Watercourse Remediation

- SLR proposed 3 alternatives within the watercourse:
  1. No Action – if a moderate to large flood event occurred, then the slurry would be removed from the substrate through shear stress velocities. The slurry would not likely re-concentrate downstream, but instead likely to be more evenly distributed within the channel.

  2. Manually Disturb Slurry – would require workers to wade into the impacted area and stir-up the deposited slurry using the kick and scrap method. This would cause a temporary plume of turbid water to move downstream. Slurry particles would eventually settle out and be more evenly distributed within the channel substrate located downstream. This would re-establish the interstitial spaces within the substrate and allow green algae to recoat the substrate gravel, pebbles, cobbles, and stones.
     - This alternative requires approval from the City of Hartford to allow the slurry material to be resuspended and moved downstream through the natural flow regime.

3. Mechanically Remove Slurry – requires installation of a cofferdam around the deposition zone and would require dewatering of the area to allow for either mechanical excavation of slurry sediments and/or vacuum suction of material. Scrub-shrub wetland vegetation would need to be cleared and a temporary access road would need to be constructed to provide access to the river. Import of new substrate material would also be likely. The impact to mechanically remove slurry would result in a larger impact than recommended, and this alternative is not recommended.

- Preferred Alternatives: allow Mother Nature to restore the impacted segment of river channel through natural floodflow processes.
  - If the City of Hartford prefers that the material be resuspended and carried downstream through manual processes, then Alternative #2 could be implemented instead.

Site Monitoring

- SLR proposes that a wetland specialist be on site during the remedial processes to document compliance with the recommended remediation plan.

- Key findings in letter from Paul F. Muniz, LEP, dated April 5, 2021 (Attachment #3) based on analysis of the Soils Sample Analysis Report by Phoenix Environmental Laboratories, Inc., dated March 10, 2021 (Attachment #4):
  - No anthropogenic compounds were detected at concentrations above the laboratory reporting limit in the sample that was collected and analyzed.
    - A third-party environmental professional clarified that "Anthropogenic" means "caused or deposited by man," and is a term used to describe soil or sediment "impacted with compounds associated with human deposition, but not contaminated above a regulatory level."

- Key findings from report entitled "Auxiliary Soil Solidification Pit 2, Analysis of Pit-Retaining Walls Design Submittal, South Hartford Conveyance and Storage Tunnel, MDC Contract 5, Hartford, CT" prepared for Empire Paving, dated March 26, 2021, prepared by GeoEngineers, Inc. (the "Structural Report," Attachment #5):
  - The concrete block pit-walls are expected to be stable given a maximum slurry height of 6-ft.

- The following remediation work and regulated activity is proposed with this application, as depicted in Figures 4 & 5:
  - In areas with minimal slurry cover and where vegetation is beginning to grow through, seed over and install straw wattle at the toe of the slope;
  - In areas with thicker slurry cover, hand remove a portion of the slurry cover to allow for vegetation to grow through while not disturbing existing vegetation, seed, and install straw wattle at toe of slope;
  - For slurry in the waterway – alternative #1 from the Wetlands Report, allowing Mother Nature to dissipate the sediment;
  - In addition to the above, this permit would also cover the erosion & sedimentation control measures that have been installed at the site to comply with actions ordered

in the Notice of Violation dated March 2, 2021 (included with Attachment #6), and in response to concerns raised during a site inspection conducted with representatives from Empire Paving, Hartford Housing Authority, and City of Hartford Inland Wetlands Agent on March 4, 2021.

- FEMA Flood Insurance Rate Map Panel 09003C0502F, effective 9/26/2008, depicts the Subject Site within the following flood designation areas: Special Flood Hazard Area Zone AE, Special Flood Hazard Area Regulatory Floodway, Other Areas of Flood Hazard Zone X, and Other Areas Zone X.

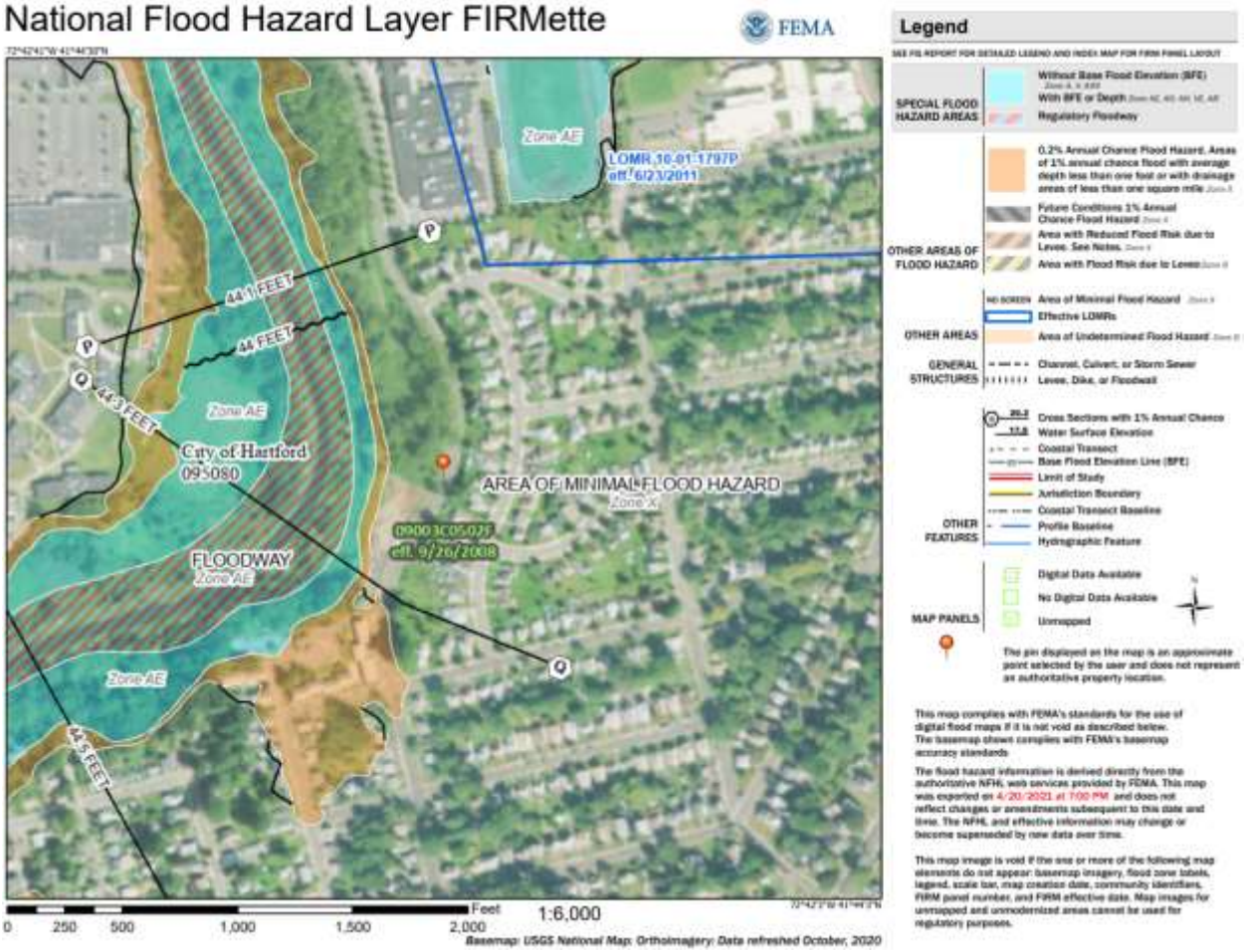

Figure 6. FEMA Flood Insurance Rate Map, Panel #09003C0502F, effective 9/26/2008.

- The subject site is part of an area that has been identified as a future location of the South Branch Trail Extension, a multi-use path to be located along the South Branch of the Park River, which will provide a link between the East Coast Greenway and the Trout Brook Trail in West Hartford (see Figure 7).

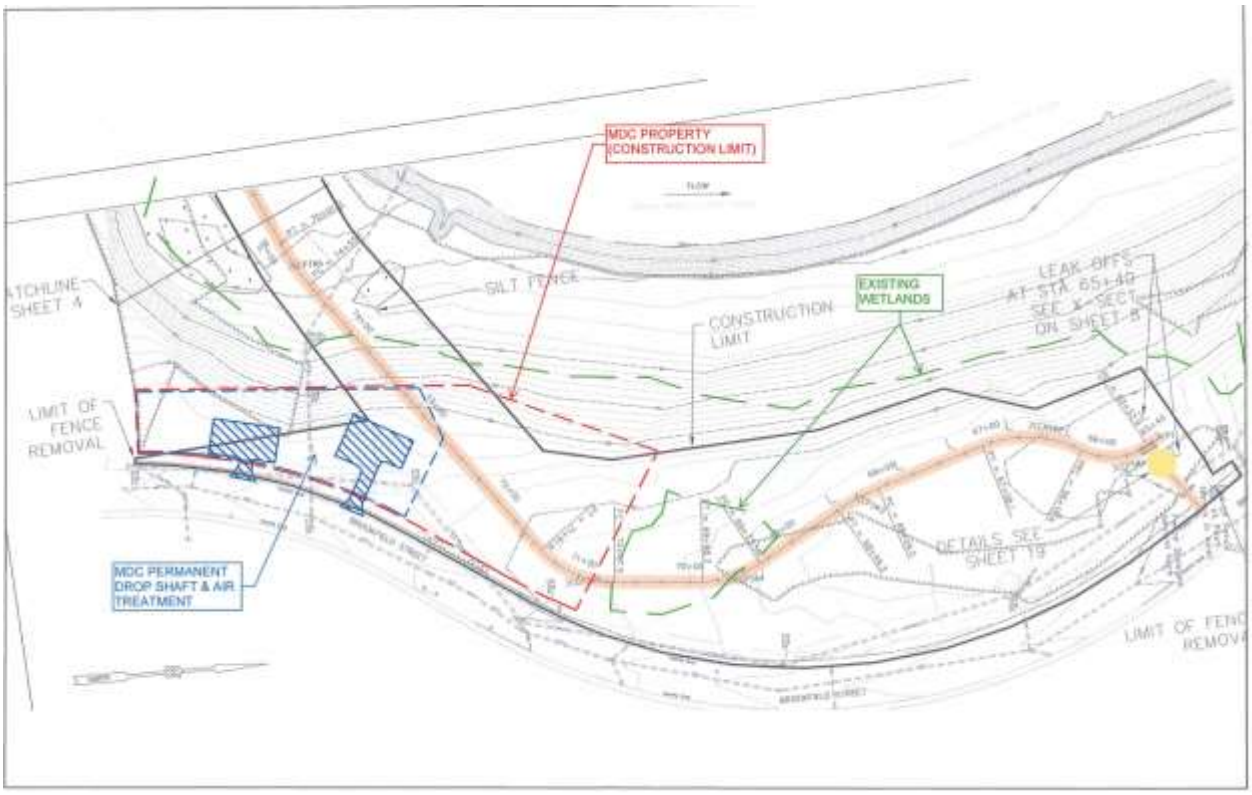

Figure 7. Drawing depicting an early design of the South Branch Trail in the subject area – an orange line traversing the site. 611 Brookfield St., the "MDC Property," is outlined in red dashed line. The City is in the process of soliciting a new design consultant to relocate the trail outside of the MDC Property.

Figure 8.

Figure 9.

Figures 8 & 9. Photographs of slurry containment pits at 611 Brookfield St., taken 3/4/2021. Per Applicant, an earthen containment area was established adjacent to the concrete pit, which ultimately failed and caused slurry waste to migrate off-site onto adjacent land containing wetlands, watercourse, and upland review area.

SLR

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
Empire Paving	Hartford, CT	141.12996.00010

Photo No.	Date:
7	3/29/2021

Direction Photo Taken:
West

Description:
Photo Station 5
View from eastern bank of the South Branch Park River looking into the impacted watercourse. The area within the channel that is a light tan color is the slurry deposition area.

Photo No.	Date:
8	3/29/2021

Direction Photo Taken:
South

Description:
Photo Station 6
View from west of access road and north of slurry deposition area looking downgradient towards floodplain scrub/shrub wetland.

Figure 10.

SLR

PHOTOGRAPHIC LOG

Client Name: Empire Paving	Site Location: Hartford, CT	Project No. 141.12996.00010

Photo No. 13	Date: 3/29/2021

Direction Photo Taken: Southwest

Description: Turbidity curtain installed within the South Branch Park River. The curtain runs parallel along the eastern bank to limit further deposition of slurry into the watercourse.

Figure 11.

Figures 10 & 11. Select photographs with notes taken from the Photographic Log that is included in Appendix C of the Wetlands Report.

COMMENTS RECEIVED (DEPARTMENTS, AGENCIES, NRZS, PUBLIC)

On March 19, 20201 Planning Staff referred the application to the Southwest Behind the Rocks Neighborhood Revitalization Zone (NRZ).

- Representatives from the Southwest Behind the Rocks NRZ have expressed interest in the application, but as of April 26, 2021, no comments have been received.

On April 14, 2021 the Inland Wetland Agent emailed a request for comments to Frank Dellaripa, City Engineer; Heather Dionne, City Forester; Sandy Fry, City Bicycle & Pedestrian Coordinator; and Brian Golembiewski, Supervising Environmental Analyst with State of Connecticut Department of Energy and Environmental Protection (CT DEEP) (see Attachment #7).

- Following the March 9, 2021 Agency meeting where the Notice of Violation was discussed, Mr. Golembiewski indicated that CT DEEP would not require any license, and that remediation (removal of sediment) is within the scope of jurisdiction for the City's Inland Wetlands Agency.
- In a telephone conversation held on April 7, 2021, Ms. Fry informed that the subject site is the location of the future extension of the South Branch Trail, and directed me to available documents (see Figure 7).
- As of April 26, 2021, no other comments have been received.

ANALYSIS

The remediation efforts proposed with this application have been prepared in conjunction with environmental scientists at SLR International Corporation, and take into consideration recommendations made in the Wetlands Report.

Although a No Action alternative is proposed to address deposited slurry within the South Branch Park River, this course of action likely represents the least impact to the watercourse and river banks, and may therefore be the preferred alternative.

In order to ensure work is completed in accordance with recommendations made within the Wetlands Report, staff recommends that the Applicant be required to engage a wetlands scientist to oversee the remedial activities, providing reports of progress to the Commission at project milestones, and to conduct a post-restoration site visit to document the success of the remediation effort following the first full growing season, again notifying the Commission of findings in a written report.

It is also recommended that the Applicant be required to pay an agreed upon amount into one or more of the following City Accounts in order to provide opportunities to advance efforts to preserve wetlands and open spaces throughout the City and to promote sustainable projects, wetlands education programs, and/or efforts to extend the South Branch Trail at the site, which will serve as an important link between the East Coast Greenway and the Trout Brook Trail in West Hartford.

STAFF RECOMMENDATION

Staff recommends approval of this application, subject to conditions.

A draft resolution follows.

ATTACHMENTS

1. Application & Supporting Documents.
    a. Proposed Remediation Actions, via e-mail from Applicant dated April 8, 2021.
2. 611 Brookfield Street Slurry Release Evaluation Project Wetland Impact Assessment, prepared by SLR, dated April 2021.
3. Letter from Paul F. Muniz, LEP, of Environmental Partners, LLC, dated April 5, 2021.
4. Soils Sample Analysis Report, by Phoenix Environmental Laboratories, Inc., dated March 10, 2021.
5. Structural Report entitled "Auxiliary Soil Solidification Pit 2," prepared by GeoEngineers Inc., dated March 26, 2021.
6. Staff Report and Attachments from the March 9, 2021 Inland Wetlands Commission Meeting.
7. Request for Comments, issued April 14, 2021.

REVIEWED AND EDITED BY,

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Aimee Chambers, Director

PLANNING & ZONING COMMISSION AS INLAND WETLANDS AND WATERCOURSES COMMISSION

INLAND WETLANDS AND WATERCOURSES PERMIT

DRAFT APPROVAL RESOLUTION

180 John D. Wardlaw Way and 611 Brookfield St.

May 11, 2021

Whereas, The Planning & Zoning Commission is designated as the Inland Wetlands Agency of the City of Hartford (the "Agency"); and

Whereas, The Agency has reviewed the petition of Jessica Webb of Empire Paving (the "Applicant") for an Inland Wetlands and Watercourses Permit to conduct regulated activity within delineated wetlands, watercourse, and upland review area related to remediation activities required as result of an inadvertent discharge of material from 611 Brookfield St. onto 180 John D. Wardlaw Way (collectively the "Subject Site") that occurred during construction of the Metropolitan District Commission (MDC) South Hartford Conveyance and Storage Tunnel; and

Whereas, This application has been submitted in response to the Notice of Violation, dated March 2, 2021, that was issued to MDC Counsel via email, certified mail, and regular mail (Accela Code Case #: 9636459); and

Whereas, FEMA Flood Insurance Rate Map Panel 09003C0502F, effective 9/26/2008, depicts the Subject Site within the following flood designation areas: Special Flood Hazard Area Zone AE, Special Flood Hazard Area Regulatory Floodway, Other Areas of Flood Hazard Zone X, and Other Areas Zone X; and

Whereas, A report entitled "611 Brookfield Street Slurry Release Evaluation Project, Wetland Impact Assessment," prepared for Empire Paving, prepared by SLR International Corporation, dated April 2021 (the "Wetlands Report") describes current conditions of the impacted inland wetlands and watercourse, and provides recommendations for remediation strategies to alleviate the impacts, while also evaluating functions and values of the impacted

wetland and watercourse resources as compared to adjacent unimpacted wetlands in order to develop an appropriate mitigation strategy; and

Whereas, The Analysis of Pit-Retaining Walls of Auxiliary Soil Solidification Pit 2, prepared by Dimitrios Palantzas, State of Connecticut Professional Engineer, and Franklin M. Grynkewicz, State of Massachusetts Professional Engineer, both of GeoEngineers, Inc., dated March 26, 2021 indicates that the concrete block pit-walls are expected to be stable given a maximum slurry height of six (6) feet; and

Whereas, The Subject Site is part of an area that has been identified as a future location of the South Branch Trail Extension, a multi-use path to be located along the South Branch of the Park River, which will provide a link between the East Coast Greenway and the Trout Brook Trail in West Hartford; and

Whereas, The Agency has determined the proposed activity involves a significant impact to the wetlands and watercourse; and

Whereas, The Agency finds that the Applicant's chosen remediation strategies are adequate to alleviate the impacts imposed to the inland wetlands, watercourse, and the upland review areas; and

Whereas, The Agency finds that the proposed activity represents remediation of activity conducted without the benefit of a permit, and that a feasible and prudent alternative to the proposed regulated activity does not exist; **Now Therefore Be It**

Resolved, *That* the Agency hereby approves the petition of Jessica Webb, Empire Paving, to conduct the following activities on properties that are identified by the City Assessor as 611 Brookfield Street (Parcel ID 140-588-004) and 180 John D. Wardlaw Way (Parcel ID 140-588-003), collectively referred to as the "Subject Site," as depicted on Fig. 2 "Community Type in Slurry Deposition Area," and Fig. 3 "Proposed Remediation," that were prepared by SLR, dated 4/5/2021, included in Appendix A of the document entitled:

"611 Brookfield Street Slurry Release Evaluation Project, Wetland Impact Assessment," prepared for Empire Paving, prepared by SLR International Corporation, dated April 2021 (the "Wetlands Report"), subject to conditions:

1. Soil erosion and sediment control measures shall be installed, maintained, and supplemented with additional measures if found to be inadequate, to the satisfaction of the Inland Wetland Agent and/or City Engineer.

2. In the Slurry Deposition Area of the Sloped Wetland depicted on aforementioned Fig. 2 and Fig. 3, the following activity is proposed:
    a. the thin slurry layer be left as is and allowed to revegetate through natural processes;

    b. supplemental application of a seed mix New England Erosion Control for Moist Site and Detention Basin be applied to the thin layer of slurry present during the spring growing season April through early June;

    c. Installation of a straw wattle (a.k.a. straw bio-log) at the toe of the slope to allow for filtering of stormwater runoff until the vegetation has reestablished itself along the slope.

3. In the Slurry Deposition Area of the Floodplain Scrub/Shrub Wetland depicted on aforementioned Fig. 2 and Fig. 3, the following activity is proposed:

    a. Remove slurry deposits in this area by hand until the underlying herbaceous vegetation is observed;

    b. After material is removed, then the silt fence should be removed and replaced with straw wattles.

4. The Applicant proposes a No Action alternative to address deposited material within the South Branch Park River watercourse itself, in accordance with Watercourse Remediation Alternative #1, recommended within the Wetlands Report.

5. It is the Applicant's responsibility to obtain other necessary approvals and or permits from the State of Connecticut Department of Energy and Environmental Protection (CTDEEP); the U.S. Army Corps of Engineers (USACE); and/or other City of Hartford Departments, Commissions, and/or Agencies.

6. No vegetation is proposed to be removed with this permit.

7. The permit is subject to the following conditions, to be completed to satisfaction of the City Inland Wetland Agent:

    a. Remediation work shall be completed in accordance with recommendations made within the Wetlands Report, and shall be conducted under the supervision and oversight of a Qualified Wetland Scientist in the State of Connecticut (the "Wetland Scientist") at the Applicant's expense.

    b. The Wetland Scientist shall provide the Agency with monthly progress reports.

    c. To ensure the long-term success of the remediation plan, the Applicant shall engage a Qualified Wetland Scientist in the State of Connecticut to conduct a post-restoration site visit and document observations regarding the success of the remediation effort following the first full growing season, providing the Agency with a written report of findings and recommendations.

    d. The concrete block pit-retaining walls shall only be filled with slurry wastewater to levels and/or volumes that were certified by a State of Connecticut Professional Engineer.

    e. To promote efforts to preserve and enhance wetlands, watercourses, and open spaces throughout the City, and to provide opportunities for

educational programs related to such, the Applicant shall make the following payments to the City of Hartford as prescribed:

i. The Applicant shall make payment into the City Green Infrastructure Fund in the amount of [Enter Agreed Upon Amount]. to assist with costs related to flood prevention and/or stormwater management improvements;

ii. The Applicant shall make payment into the City Tree Account in the amount of [Enter Agreed Upon Amount] to support new plantings in other areas throughout the City;

iii. To mitigate disturbances on the Property, the Applicant shall make payment to the City Complete Streets Fund in the amount of [Enter Agreed Upon Amount] to support efforts to extend the South Branch Trail on the Property.

Resolved, *That* this permit shall become effective the day after the notice of this action is posted, and shall expire one year from that date;

Resolved this 11th day of May, 2021.