PUBLIC NOTICE

US Army Corps of Engineers ⊕ New England District 696 Virginia Road

Concord, MA 01742-2751

Comment Period Begins: February 26, 2013 Comment Period Ends: March 26, 2013

File Number: NAE-2012-1039

In Reply Refer To: Barbara Newman

Phone: (978) 318-8515 E-mail:Barbara.H.Newman

@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States as described below.

APPLICANT Pharmacia and Upjohn Company, LLC.

ACTIVITY This project involves the cleanup of a contaminated site under a U.S. EPA Consent Order. The work includes excavation of contaminated soils from tidal mudflats, the discharge of fill in tidal wetlands for the construction of a hydraulic barrier, and the discharge of fill in freshwater wetlands for the placement of an impermeable soil cover. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in wetlands adjacent to, and in the mudflats of, the Quinnipiac River and South Creek, at 41 Stiles Lane, North Haven, Connecticut. The site coordinates are: Latitude 41° 22'27" N Longitude 72° 52' 36" W.

AUTHORITY

Permits are required pursuant to:

- x Section 10 of the Rivers and Harbors Act of 1899
- x Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment

CENAE-R FILE NO. NAE-2013-1039

and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

This project will impact approximately three (3) acres of Essential Fish Habitat (EFH) for the thirty-five species on the attached list. This habitat consists of intertidal and tidal mudflats and tidal wetlands in a low salinity environment. Loss of this habitat may adversely affect some of these species. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

NATIONAL HISTORIC PRESERVATION ACT

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES CONSULTATION

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the project site. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal agency concur with our determination.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

CENAE-R FILE NO. NAE-2013-1039

The following authorizations have been applied for, or have been, or will be obtained:

- (x) Permit, License or Assent from State.
- (x) Permit from Local Wetland Agency or Conservation Commission.
- (x) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Barbara Newman at (978) 318-8515, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

If you would prefe (978) 318-8058 or this portion of the 696 Virginia Road	e-mail her at Public Notice	bettina.m.chais to: Bettina Ch	sson@usace.a aisson, Regul	rmy.mil. You	may also check h	ere ()	and retur
NAME:							
ADDRESS: _							
PHONE:							

Regulatory Division

Acting Chief, Permits and Enforcement Branch

PROPOSED WORK AND PURPOSE

The purpose of this work is to prevent migration of contaminated groundwater from the property into the Quinnipiac River, North and South Creek, and to prevent exposure by humans and wildlife to contaminated soils. These goals were established by the US Environmental Protection Agency (USEPA) and the Connecticut Department of Energy and Environmental Protection (CT DEEP) as part of a site wide cleanup (corrective measures) required by an Administrative Order under the Resource Conservation and Recovery Act (RCRA).

The eighty (80) acre site became contaminated through decades of its use as a chemical manufacturing facility. Three lagoons used during operations to dispose of all contaminated groundwater and soil still exist on the property, and are referred to on the attached plans as the Former Aeration lagoon and the North and South Piles. All manufacturing ceased in 1993 and most of the buildings were demolished. Current site use includes the operation and maintenance of the existing groundwater extraction system and a groundwater treatment facility. The currently existing groundwater treatment system is housed in the only major building on the Site.

The site remedy will impact wetlands and waters of the US during the following activities:

1. Construction of a groundwater hydraulic control system to prevent migration of groundwater off-site to the surrounding water bodies. 2. Installation of low permeability cover systems on the North and South Piles and the former Aeration Lagoon. 3. Installation of protective soil barriers on the remainder of the east side of the Site. 4. Removal of impacted sediments from two locations in the tidal flats of the Quinnipiac River and one location in South Creek. These impacts are further described below.

The hydraulic control system will consist of a subgrade, low-permeability, vertical hydraulic barrier wall and a groundwater extraction and conveyance system. Collected groundwater will be treated at the on-site ground water treatment facility prior to discharge to the Quinnipiac River in accordance with an approved National Pollutant Discharge Eliminating System (NPDES) permit. The purpose of this barrier is to contain impacted groundwater on-site. The chart below summarizes the impacts to the tidal wetlands from the hydraulic barrier.

Permanent Inland Wetland	Square feet	Acres	
Impacts due to hydraulic barrier			
Inland wetland impact-1	3,903	0.09	
Tidal wetland impact-1	17,669	0.41	
Tidal wetland impact-2	34,658	0.80	
Tidal wetland impact 4	568	0.01	
Total	56,798	1.31	

Varying types of soil covers are to be installed across the site. These soil covers are being used prevent rain water from moving through the contaminated soil and leaching contaminants into the groundwater below. The low permeability cover systems will be two feet thick and consist of a combination of geosynthetic materials and clean soils imported from off-site. Clean fill may also be required from off-site sources to be used to achieve the subgrade elevations to form the base for the establishment of the cover systems. The chart below summarizes the impacts to inland wetlands due to the soil covers.

CENAE-R FILE NO. NAE-2013-1039

Permanent Inland wetlands Impacts (Due to soil cover)	Square feet	Acres
Impact-2	11,149	0.26
Impact-3	42,676	0.98
Impact-4	3,521	0.08
Total	57,346	1.32

Section of the tidal flats of the Quinnipiac River and South Creek will be excavated to remove contaminated sediments and will be replaced with clean soil. Sediment removal will be performed with mechanical equipment under dry conditions by installing cofferdams in any areas with standing water and dewatering the work area. A temporary bypass will be constructed upstream of the South Creek sediment removal area to dewater and isolate this area. The cofferdam will be constructed of a portable water-inflated temporary dam. The chart below summarizes the permanent and temporary impacts due to this work.

Permanent and Temporary impacts Sediment Removal Area	Square Feet	Acres
TF-1	6,841	0.16
TF-2	18,954	0.44
South Creek	266	0.01
Total Permanent S.R. impacts	26,061	0.61
Temporary Tidal wetland impacts		
Impact-3	5,564	0.13
Impact-4	12,225	0.28
Impact 5	262	0.01
Intertidal flat impact -3	22,862	0.52
Intertidal flat impact-4	9,671	0.22
Total Temporary	50,584	1.16

Excavated sediment will be placed in constructed sediment dewatering pads to allow the water to gravity drain, be collected and pumped to the groundwater treatment facility for treatment. The sediment dewatering areas will be located in upland areas to the northwest of TF-1 and TF-2. Aquatic species will be addressed inside the TF-1 and TF-2 work areas through netting and relocation to the Quinnipiac River, to the extent practicable, as the work areas are pumped dry. Dewatered sediment will be transported to a sediment amendment area in the former Aeration Lagoon or South Pile and placed below the low-permeability cover system. All excavated areas will be restored with clean coarse to medium grain sand material that is similar in character to sediment in non-depositional portions of the Quinnipiac River. If the work can be performed when the South Creek headwater ditch is dry, no damming system will be required. Otherwise a sand bag dam will be installed upstream and downstream of this work area.

These activities will require the use of excavators, bulldozers and dump trucks. Soil erosion and sediment controls will be installed prior to earth moving activities to prevent water quality impacts.

CENAE-R FILE NO. NAE-2013-1039

There were many alternatives considered for the site remedy. In summary the following were presented for review:

- Twenty-five (25) soil/wastewater treatment residuals and dense non-aqueous phase liquid (DNAPL) remediation technologies, including 59 process options;
- Eighteen (18) groundwater remediation technologies, including 37 process options; and,
- Seven (7) sediment remediation technologies, including 19 process options.
- Sixty-two (62) Corrective Measures Study Area-specific alternatives for soil/Wastewater Treatment Residuals and DNAPL were evaluated.
- Thirty-three (33) of these Corrective Measures Study Area-specific alternatives were retained and combined with the retained groundwater and sediment technologies for use in the development of five Site-wide Corrective Measure Alternatives.

Based on the evaluation of alternatives presented in the Corrective Measures Study, USEPA and CT DEEP selected the proposal described above in their RCRA Final Decision on September 10, 2010.

Minimization of impacts was achieved by changing the originally proposed hydraulic barrier wall from a slurry wall to a soil mix wall. This reduced the impacts to tidal wetlands by one acre. The applicant states that the current impacts cannot be avoided because the USEPA approved objectives of preventing migration of groundwater and exposure to contaminated sediments, could not be achieved any other way with less impacts. The remaining unavoidable impacts will be mitigated for in the following manner:

- Creation of 6.5 acres of freshwater wetlands
- Enhancement of 22 acres of upland habitat
- Creation, enhancement and preservation of 7.75 acres of tidal wetlands on site and immediately adjacent to the Site.
- Restoration of approx. 0.61 acres of contaminated tidal wetlands, by excavation of the contaminated soil and its replacement with clean soil.

The work is also shown on the enclosed plans entitled "East Side Remedial Components Construction, USACE Section 404 Permit Plans, Pharmacia & Upjohn Company LLC Site, 41 Stiles Lane, North Haven, Connecticut;" on sixteen (16) sheets, and dated "January 2013." If you would like to review the application or mitigation plan for more details on the alternatives, proposed work, or mitigation, please contact Barbara Newman at the phone number or email listed above.

Summary of Essential Fish Habitat (EFH) Designation

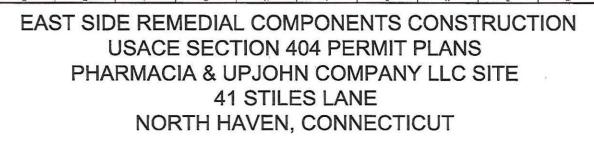
10□ x 10□ Square Coordinates:

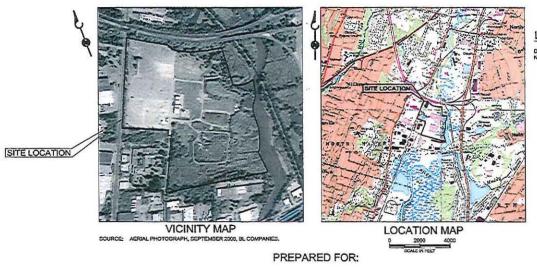
Boundary	North	East .	South	West
Coordinate	41° 20.0 N	72° 50.0 1 W	41° 10.01 N	73° 00,017 W

Square Description (i.e. habitat, landmarks, coastline markers): The waters within Long Island Sound within the square affecting south of the following: Woodmont, CT., West Haven, CT., New Haven, C., Fairhaven, CT., East Haven, CT., Monaquin, CT., Short Beach, CT., Whitneyville, CT., and Westville, CT., from just east of Johnson Point west past Merwin Pt. to Fairview Beach in Woodmont, CT., Also includes water around the following: Oyster River Pt., City Pt. Lighthouse Pt., Morgan Pt., South End Pt., Kelsey I., Johnson Pt., along with the Quinnipiac River. Also, the following features are affected: Townshend Ledge, Cow and Calf, Round Rock, and the Farm River.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon (Salmo salar)			х	X
Atlantic cod (Gadus morhua)				
haddock (Melanogrammus aeglefinus)				
pollock (Pollachius virens)			Х	X
whiting (Merluccius bilinearis)				х
offshore hake (Merluccius albidus)				
red hake (Urophycis chuss)	Х	X	х	Х
white hake (Urophycis tenuis)				
redfish (Sebastes fasciatus)	n/a			
witch flounder (Glyptocephalus cynoglossus)				
winter flounder (Pseudopleuronectes americanus)	X	X	х	Х
yellowtail flounder (Limanda ferruginea)				
windowpane flounder (Scophthalmus aquosus)	Х	X	X	X
American plaice (Hippoglossoides platessoides)				
ocean pout (Macrozoarces americanus)				

Atlantic halibut (Hippoglossus hippoglossus)				
Atlantic sea scallop (Placopecten magellanicus)				
Atlantic sea herring (Clupea harengus)			х	X
monkfish (Lophius americanus)				
bluefish (Pomatomus saltatrix)			x	Х
long finned squid (Loligo pealeii)	n/a	n/a		8.75
short finned squid (Illex illecebrosus)	n/a	n/a		
Atlantic butterfish (Peprilus triacanthus)				
Atlantic mackerel (Scomber scombrus)	Х	Х	х	X
summer flounder (Paralichthys dentatus)			Х	
scup (Stenotomus chrysops)	X	Х	x	X
black sea bass (Centropristis striata)	n/a		X	
surf clam (Spisula solidissima)	n/a	n/a		-
ocean quahog (Artica islandica)	n/a	n/a		
spiny dogfish (Squalus acanthias)	n/a	n/a		
tilefish (Lopholatilus chamaeleonticeps)				
king mackerel (Scomberomorus cavalla)	Х	х .	х	X
Spanish mackerel (Scomberomorus maculatus)	Х	Х	х	Х
cobia (Rachycentron canadum)	X,	х	х	Х
sand tiger shark (Carcharias taurus)		х		





LIST OF DRAWINGS

DRAWING NUMBER	SHEET	TITLE
	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	TITLE FIGURE
4	1 of 16	EXISTING CONDITIONS PLAN
2	2 of 16	CT DEEP OLISP TIDAL WETLAND IMPACT PLAN
3	3 of 16	CONCEPTUAL FINAL CONSTRUCTION
3 4 5 6 7 8	4 of 10	PROPOSED CONSTRUCTION ACTIVITIES
5	5 of 16	FINAL GRADING PLAN
G	8 of 16	SOUTH PILE AND FORMER AERATION LAGOON CONSOLIDATION PLAN
7	7 of 16	ECOLOGICAL ENHANCEMENTS PLANTING PLAN
8	B of 16	PROPOSED AREAS OF CUT/FILL TO ESTABLISH COVER SYSTEM SUBGRADE
	9 of 16	REMEDIAL SITE LAYOUT AND SOIL AND EROSION SEDIMENT CONTROL PLAN
10	10 of 16	SOIL EROSION AND SEDIMENT CONTROL DETAILS
11	11 of 16	SOIL EROSION AND SEDIMENT CONTROL DETAILS
12	12 of 16	COVER SYSTEM AND CONSTRUCTION DETAILS
13	13 of 16	CONSTRUCTION DETAILS
14	14 of 16	EAST SIDE REMEDIAL COMPONENTS TIDAL FLAT NO. 1 AND SOUTH CREEK
		SEDIMENT REMOVAL SITE PLAN & SECTIONS
15	15 of 16	EAST SIDE REMEDIAL COMPONENTS TIDAL FLAT NO. 2
		SEDIMENT REMOVAL SITE PLAN & SECTION
10	16 of 16	EAST SIDE REMEDIAL COMPONENTS TIDAL FLATS AND SOUTH CREEK DETAILS

ON BEHALF OF PHARMACIA & UPJOHN COMPANY LLC

PREPARED BY:



I TE COMPASS

2 Park Way, Suite 2A Upper Saddle River, New Jersey 07458 Tel. (201) 574-4700 • Fax. (201) 236-1607

January 2013

