



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

August 8, 2023

Keith Ainsworth
Acting Chair

Re: Zero Carbon Draft RFP Comments

Alicea Charamut

DEEP.EnergyBureau@ct.gov

Christopher Donnelly

The Council on Environmental Quality (Council) provides the following comments in response to the Department of Energy and Environmental Protection's (DEEP) Notice of Draft Request for Proposals (Draft RFP) and Opportunity for Written Comment dated July 25, 2023. The Council supports the development of Class I, emission-free, renewable energy sources, including energy efficiency/demand response, zero carbon fuel cells, geothermal, hydropower (run of river), onshore wind, solar, and energy storage on appropriate sites.

David Kalafa

Kip Kolesinskas

The Council recommends that DEEP prioritize the procurement of energy efficiency/demand response resources and Class I, emission-free, renewable energy sources on previously developed sites since such sites typically have less adverse impacts to the environment than undisturbed/undeveloped land.

Matthew Reiser

Denise Rodosevich

Charles Vidich

- The Draft RFP section 2.2.14 states that “any solar photovoltaic proposal must include documentation that the Eligible Project site and interconnection route are not located along ridgelines or within ridgeline setback areas (as defined in CGS § 8-1aa). The Council supports this provision, but questions why onshore wind does not have the same requirement since wind turbines are significantly taller and could impose a greater visual impact on Connecticut’s ridgelines.

William Warzecha

- The Draft RFP section 2.2.14 states that “any solar proposal must include documentation that the Project Site does not include slopes greater than fifteen percent (15%), unless the Project Site is a Landfill, in which case no more than 10% of the Project Site may contain slopes greater than 15%.” This is an important provision because the greater the slope, the greater the potential to have erosion and sedimentation, especially in highly erodible soils, that could adversely impact water resources, wetlands, and critical habitat.

Paul Aresta
Executive Director

- The Draft RFP section 2.3.2.1 states that “DEEP encourages the reuse and redevelopment of existing sites, including Landfills and Brownfields...”. The Council also encourages the reuse and redevelopment of existing sites, including landfills, brownfields, and “grayfields” and suggests that DEEP create a bid preference for evaluation purposes for Class I, emission-free, renewable energy sources proposed on such sites.

- The Draft RFP sections 2.2.8 and 11.7 note that an Eligible Bidder must demonstrate that the facility and the interconnection route, in whole or in part, is not located on Core Forest. The Council supports a prohibition on the destruction of core forests. As noted in the Council’s annual report, [Environmental Quality in Connecticut¹](#), core forests provide habitat for many species of wildlife that cannot tolerate significant disturbance. The loss of core forests diminishes the remaining forests’ water purification and habitat values, and could result in heavier runoff, which might lead to poorer water quality.

¹ <https://portal.ct.gov/CEQ/AR-22-Gold/2022-CEQ-Annual-Report-eBook/Land---Preserved-Land/Forests>

The Council suggests that DEEP also restrict the development of Class I renewable energy sources on productive prime farmland soils, or alternatively provide a variable negative bid preference, based on the type and quality of agricultural land/uses, for such proposals for evaluation purposes. Although the Draft RFP sections 2.2.14 and 11.17 contain provisions for a bond to cover the costs associated with the decommissioning of a solar facility on prime farmland soils in Connecticut, as required by Public Act 23-163, it is unknown if such a site can be restored to its former productive agricultural use.

- The Draft RFP sections 2.2.14 and 11.12 question if the proposed Eligible Project will generate waste during operation and end-of-project-life decommissioning, and what that waste might be. It is recommended that the bidder also provide information regarding how the waste will be collected, stored and properly managed.
- The Draft RFP section 11.3 states that “the assessment for wetlands should include a vernal pool assessment, proposed setbacks from wetlands and vernal pools, and avoidance or mitigation measures take to reduce wetland impacts.” The Council supports this requirement and suggests that DEEP recommend a minimum 100-foot setback from a land-based electric generating resource to wetlands, vernal pools, and riparian corridors. It is also suggested that no land-based electric generating resource be located within a 100-year or 500-year floodzone or areas that are projected to be within such floodzones during the proposed contract term.
- The Draft RFP Appendix B, section 11.3.ii requires an analysis of major environmental areas, including “ecological and natural resources impacts, including any impacts to endangered, threatened or special concern species listed on the DEEP Natural Diversity Data Base”. The Council supports efforts to protect ecological and natural resources, including endangered, threatened or special concern species, but questions why such an identification is limited to only those species and/or critical habitats that are identified in DEEP’s Natural Diversity Database (NDDDB). Since the Draft RFP states that “qualified zero carbon energy resources may be located anywhere within the ISO-NE control area or adjoining control areas”, it is recommended that analysis of major environmental areas, including identification of any impacts to endangered, threatened or special concern species extend to any eligible jurisdiction. In addition, since the Connecticut NDDDB does not include all migratory species, it is recommended that information on endangered and threatened species, derived from the United States Fish and Wildlife Service, also be included in all proposals.
- The Draft RFP section 2.1 states that the second stage of the review, evaluation and selection process will consist of a “quantitative and qualitative evaluation of proposals”, and section 2.3.2 states that “the qualitative evaluation will consist of the factors mandated by the Procurement Statutes as well as factors deemed important by the Evaluation Team, identified in section 2.3.2.1 of this RFP”. However, the Draft RFP does not indicate if the qualitative factors identified in section 2.3.2.1 will be weighted equally or if the Evaluation Team will prioritize or provide a bid preference to one or more factors. If so, it is recommended that qualitative factor (4) should be weighted higher and given preference – *“(4) Impacts on environmental quality and natural resources based on the environmental assessment detailed in Section 11.3 of Appendix B, including but not limited to impacts to water resources, ecological and natural resource impacts, and land use impacts”*.
- The Draft RFP section 10.9 states “bidders, including any general and limited partners, officers, directors, managers, members, shareholders, and subsidiaries, must disclose any pending (currently or in the past five (5) years) or threatened litigation or disputes related to projects developed, owned or managed by the Bidder or any of its affiliates in the United States, or related to any energy product sale agreement”. It is recommended that the Bidder also disclose any pending (currently or in the past five (5) years) or threatened litigation or disputes related to projects that have been proposed.

- The Draft RFP section 10.12 requires the Bidder to state whether "the Bidder or its affiliates have executed agreements with respect to energy, RECs and/or capacity for the proposed Eligible Project (including any agreements that have been terminated) and provide information regarding the associated term and quantities, and whether Bidder has been alleged to have defaulted under or breached any such agreement. " It is suggested that DEEP consider revising section 10.12 of the Draft RFP as follows: "State whether the Bidder or its affiliates have executed agreements with respect to energy, RECs and/or capacity for the proposed Eligible Project (including any agreements that have been terminated, for any reason) and provide information regarding the associated term and quantities, and information about any default, breach or failure to meet provisions of such agreements."
- The Draft RFP section 12.5 requires the identification of the Bidder's project team. It is recommended that DEEP consider a requirement to identify the engineering firm/designer, construction contractor, and environmental justice/diversity compliance officer in any proposal.

Thank you for your consideration of the Council's comments.

Sincerely,

A handwritten signature in black ink that reads "Paul Aresta". The signature is written in a cursive, flowing style.

Paul Aresta,
Executive Director