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January 28, 2020

Via Electronic Mail and First Class Mail

Melanie A. Bachman, Esq.
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

RE: ***Petition No. 1310A*** – Quinebaug Solar, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 50 megawatt AC solar photovoltaic electric generating facility on approximately 561 acres comprised of 29 separate and abutting privately-owned parcels located generally north of Wauregan Road in Canterbury and south of Rukstela Road and Allen Hill Road in Brooklyn, Connecticut. Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) – ***Response to Council on Environmental Quality***

Dear Ms. Bachman:

I am writing on behalf of Quinebaug Solar, LLC (“Quinebaug”) relative to the January 13, 2020 comments provided by the Connecticut Council on Environmental Quality (“CEQ”) in response to Quinebaug’s petition for a declaratory ruling by the Connecticut Siting Council (the “Council”) that no certificate of environmental compatibility and public need is required for the above-referenced proposed solar project (the “Project”).

CEQ raises several suggestions and concerns that are addressed *seriatim* below.

Pesticides

CEQ asks that the Petitioner identify techniques to be employed during pesticide use, in the event it is needed. The Petitioner has proposed usage of pesticides and herbicides as a secondary means of control where necessary. All applications will be targeted at specific species in discrete locations; broadcast aerial application of herbicides is not proposed. All chemical use will comply with the regulations and requirements of DEEP’s Pesticide Management Program. *See* Exhibit H, Operations and Maintenance Plan.

Consultation with NDDDB

As discussed in the Petition and in the January 10, 2020 Comments of the Department of Energy and Environmental Protection (“DEEP”), the Petitioner has discussed the Project on numerous occasions with the biologists of the Natural Diversity Data Base (“NDDDB”) over the last two years. CEQ recommends that the Council defer any decision on the Project until such a time as the NDDDB Final Determination has been issued. This recommendation is not only inconsistent with Council precedent, but also lacks support

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in any statute or regulation. The Petitioner continues to discuss the Project with NDDDB and remains confident that it can fully respond to any remaining concerns prior to issuance of a Final Determination. Accordingly, the Petitioner respectfully requests that the Council reject this recommendation from CEQ. Any minor revisions to the Project layout can be addressed through a Development and Management Plan, should the Council so require.

Inland Wetlands and Vernal Pools

CEQ identifies certain wetlands as having less than a 100 foot buffer. As discussed at the January 14, 2020 hearing, the only wetlands areas that have setbacks less than 50-feet are located along existing roads.¹ Leveraging the existing road infrastructure at the site is a key tenant of resource avoidance and impact minimization for the Project. The Petitioner does not propose to increase impacts to existing buffers by relocating existing roads.

Construction Schedule and Phasing

CEQ requests specific details on the proposed time of year and the proposed duration for each of the construction phases. The construction sequence described in Petition Section 3.5 and Exhibit J was developed in close consultation with DEEP staff in accordance with the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (“Construction General Permit”). The Petitioner will submit a detailed Stormwater Pollution Control Plan as part of its application for a Construction General Permit.

Please feel free to contact David Bogan of this office (860-541-7711) or me if you have any questions or require additional information.

Sincerely,



Kathryn E. Boucher

¹ See Testimony of Katelin Nickerson, January 14, 2020 Evidentiary Hearing Transcript, Page 71 (“Any distances that are less than 50 feet are in areas where there is an existing road immediately adjacent to a wetland resource”); see also Late File Exhibit D.

CERTIFICATION

I hereby certify that on January 28, 2020, the foregoing was delivered by electronic mail and regular mail, postage prepaid, in accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies, to all parties and intervenors of record, as follows:

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