

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

GRE GACRUX LLC petition for a declaratory ruling for the proposed construction, maintenance and operation of a 16.78-megawatt AC solar photovoltaic electric generating facility in Waterford, Connecticut. Reopening of this petition based on changed conditions.

Petition No. 1347A

June 18, 2020

GRE GACRUX LLC'S RESPONSES TO THE SECOND SET OF INTERROGATORIES DIRECTED TO GRE GACRUX LLC FROM SAVE THE RIVER-SAVE THE HILLS, INC.

Petitioner GRE GACRUX LLC (“GRE” or “Petitioner”) hereby submits the following responses to the Second Set of Interrogatories that were directed to GRE by Save the River-Save the Hills, Inc. (“STR-STH”).

72. In response to STR-STH interrogatory No. 1, which sought specifics with respect to how knowledge of the environmentally sensitive nature of the parcel had informed GRE’s project design, GRE responded in part: “Petitioner’s consultation with the NDDDB at CTDEEP confirmed the Site would be an appropriate location for the Project and would not adversely impact the surrounding environment.” Please identify the persons at CTDEEP who made this declaration.

Answer: This individual was Wildlife Biologist Shannon Kearney.

73. In response to STR-STH interrogatory No. 1, GRE responded in part that it has designed the project to “[p]reserve[e] pre-development drainage patterns. However, the site plans will result, post-development, in concentrated flows being discharged from stormwater basins onto slopes that, pre-development, have only seen overland flow. How is that not a change to the pre-development drainage patterns? Does GRE acknowledge that changing overland flow to concentrated flow will increase erosion of upland soil slopes?

Answer: GRE objects to the foregoing interrogatory on the grounds that it is vague.

Subject to the foregoing objection, GRE states that it is axiomatic that changing overland flow to concentrated flow without proper controls in place could potentially increase the risk of erosion; however, the Petitioner has accounted for this in its proposed stormwater management design for the Project. The proposed stormwater basins have been strategically located in areas on-site where stormwater naturally channelizes today. This design was based upon a review of the topographic survey of the Site and multiple site investigations. Site walks were performed with representatives of CTDEEP (January 27, 2020), and with representatives of the Town (March 5, 2020). Each proposed basin location was investigated during these walks. Lastly, the Petitioner has reviewed the Project with respect to other projects that previously were or are currently before the Siting Council with respect to the channelization of existing sheet flow and believes that the Project is much more cautious in its approach of this topic than other projects.

74. In response to STR-STH interrogatory No. 2, GRE stated that stormwater runoff exiting basins will “cool across forested floor before reaching one of the brooks.” How will that occur if the site has been clear-cut except for a minimal buffer zone around wetlands, thereby removing the forest floor vegetation and litter layer?

Answer: The Project’s site design incorporates a minimum of a 100-foot vegetated buffer to the east of any property line, and a minimum 500-foot separation from any property line to Stony Brook across forested areas.

75. In response to STR-STH interrogatory No. 3, which asked how GRE will ensure silt and other fine sediments will not be discharged into the trout-spawning habitat of the nearby tributaries, GRE provided only a boilerplate answer that it has designed the project to comply with DEEP standards. Claiming adherence to the minimum requirements for a solar installation, which STR-STH’s engineer disputes have even been met, does not answer the

question. This is an environmentally sensitive area due to the proximity to two trout-bearing streams flanking the site. Please identify the specific precautions GRE is taking to protect the surrounding watershed.

Answer: The Petitioner objects to the Intervenor's characterization of the proposed Project Site as an "environmentally sensitive parcel." That term is vague and undefined. Petitioner further objects to STR-STH's characterizations regarding minimum requirements for a solar installation. Subject to the foregoing objections, Petitioner states that GRE has incorporated a number of protective measures into the Project's design that will protect the surrounding watershed, including, *inter alia*, the measures discussed in the response to Interrogatory No. 74. Additional protective measures are delineated in the Stormwater Report, which is included in GRE's Petition as Appendix B.

76. In response to STR-STH interrogatory No. 4, GRE took issue with STR-STH's use of a layman's term describing the Antares Solar Farm as a "stormwater engineering failure." Is GRE stating that the East Lyme Antares design was intended to result in more than 800 cubic tons of sediment being released into wetlands and an unnamed tributary to Cranberry Brook? If it was in fact designed to prevent such a release of sediment, how can it be considered anything other than a failure?

Answer: Petitioner objects to this interrogatory as being argumentative, conclusory and a mischaracterization of the Antares Solar Farm. Petitioner further objects to this interrogatory in that the subject of the interrogatory is irrelevant to the instant Petition. Finally, Petitioner objects to this interrogatory on the grounds that it not only reaches a conclusion that is without foundation in the records of this Petition, it reaches a conclusion that is the exact opposite of what a court of law determined when it examined the case and ruled on the issues involved in that matter. See Response to STR-STH Interrogatory No. 4, including Appendix A to that

response. Subject to the foregoing objections, Petitioner states that there was no engineering failure that occurred at the Antares Solar Farm. While Petitioner acknowledges that sediments were released from that project (which Petitioner promptly remediated to regulators' satisfaction), there has been no evidence that such release was the result of any failure on the part of the Petitioner or the engineering of that project.

77. STR-STH assumes that over the past several years, since the East Lyme Antares Solar Farm was approved and constructed, that engineering designs for solar installation stormwater management have "evolved" and improved. To that end, has GRE studied the runoff patterns that lead to the release of sediment in order to improve its future designs? If so, please identify the lessons learned and how they have impacted the design of this project.

Answer: Since the construction of the East Lyme Solar Farm, the Petitioner acknowledges that the CTDEEP issued its guidance document, *Guidance Regarding Solar Arrays*. In that document, CTDEEP offers new stormwater guidance for solar projects, including, but not limited to, (i) considering the orientation of the panels, (ii) the performance of hydrologic soil group field testing, (iii) the proposal of various installations of hydroseed with tackifier over the course of construction, and (iv) the incorporation of a loss of a hydrologic soil group in proposed conditions stormwater modelling. The Petitioner's proposed Project incorporates each and all of these measures.

78. In response to STR-STH interrogatory No 5, GRE admitted that approximately 300 panels are proposed to be installed within 200 feet of an on-site wetland, against the recommendation of its consultant, Matt Davison. GRE then stated that it "is amenable, however, to removing these solar panels, if the Connecticut Siting Council so desires." Will GRE now commit to removing from those approximately 300 panels within such proximity to on-site wetlands? If not, why not, given the recommendations of GRE's own consultant?

Answer: The Connecticut Siting Council (the "Council") previously had questions regarding this issue; accordingly, please refer to the Petitioner's response to the Council's Interrogatory Number 43. The Petitioner expects that the Council will want to explore this issue further during the upcoming June 25th public hearing, and the Petitioner will be prepared to discuss the issue with the Council, and any other interested party or intervenor, at that time.

79. With respect to GRE's response to STR-STH interrogatory No. 7, how will GRE ensure that the topsoil and the upper layer of the organic subsoil layer consisting of either sandy or silty loam created by the earthwork phase will not be swept away by stormwater during the earthwork and build phases?

Answer: In line with standard Connecticut construction practice(s), it is intended that the contractor stockpile topsoil, as necessary, during the earthwork phase and replace it following the completion of earthwork. The Petitioner has committed to CTDEEP that it will hydroseed with tackifier the earthwork areas within 72 hours of completion, and that it will monitor the areas for signs of stabilization and vegetative growth. The incorporation of tackifier into the hydroseed mix is intended to bond the seed to the soil to help temporarily stabilize the disturbed areas.

80. In response to STR-STH interrogatory No. 9, GRE again claims that it used the Minnesota Drainage Manual's solar panel calculator methodology for purposes of calculating the water quality volume ("WQV"). However, those Minnesota standards/methodology state that "solar panels are to be considered impervious" for the purposes of the calculation of the WQV. GRE has repeatedly admitted that it did not consider the panels to be impervious in calculating the WQV. Again - why didn't GRE consider the panels impervious in making its WQV calculations, given its claim of adherence to the Minnesota Drainage Manual's solar panel calculator methodology?

Answer: Please refer to the pre-filed testimony of Steve Kochis, P.E. regarding this issue.

81. In responses to STR-STH interrogatory Nos. 9 and 16, GRE stated that based on consultations with "CTDEEP Stormwater Staff, it was determined that it was acceptable to utilize the Minnesota Drainage manual's solar panel calculator methodology for purposes of calculating required water quality volumes from a solar array." Please identify the individual members of the CTDEEP Stormwater Staff who told GRE and/or its consultants who made that determination, when that determination was made, and whether it was made in writing from CTDEEP.

Answer: This determination was made over the course of several conversations between the Petitioner, the Petitioner's consultants, and Neal Williams and Christopher Stone of CTDEEP.

82. In regard to GRE's responses to STR-STH interrogatory Nos. 26 and 27: Sand filters are infiltrative practices and must provide a 3-foot vertical separation to groundwater; otherwise, they do not work. They are a type of practice to reduce runoff volumes by infiltration, so adding a liner, as GRE appears to be proposing, would not allow infiltration to occur. Similarly, if basin #5, an infiltration basin, is located situated below seasonal high ground water, it will not work as intended. If the infiltrative practices planned, such as sand filter basins #3 and #10 and infiltration basin #5 will not actually work as designed, as GRE appears to be admitting, why has GRE proposed them? Would not sound engineering practices require a different approach to stormwater mitigation in these areas?

Answer: The Petitioner disagrees with the Intervenor's contention that sand filters are used as a means to reduce runoff volume by infiltration. To the contrary, by their nature, sand filters screen stormwater runoff before it is collected and subsequently discharged through an underdrain pipe (and out of the basin). Furthermore, the *2004 CTDEEP Stormwater Quality*

Manual lists “Filtering Practices” as having a low benefit for Runoff Capture (storage and infiltration).

Based upon the soil test results of the Project Site, the Petitioner does not anticipate that any significant infiltration will take place from the sand filter basins; and the Project’s respective stormwater report shows that no credit was taken for infiltration into the native soil. Regarding Infiltration Basin #5, the Petitioner performed a percolation test during the geotechnical investigation, which evidences that the basin will drain. Infiltration was promoted, to the maximum extent(s) feasible, in the Project’s stormwater management design. No credit for infiltration into the native soil during a rainfall event was accounted for in the proposed conditions stormwater modelling due to the elevated seasonal groundwater levels.

Lastly, the Petitioner has reviewed the Project with respect to other projects that previously were or are currently before the Siting Council with respect to the level and location of on-site soil testing – and design of stormwater basins as a result of the findings – and believes that the Project is much more cautious in its approach of this topic than other projects.

83. In response to STR-STH’s interrogatory No. 38, GRE states that the VHB “supplemented” the Davison Environmental report and that the VHB report “provided there were no temporal restrictions to clearing.” Where in the VHB wildlife report are there any statements or conclusions with respect to temporal restrictions to clearing? And if the VHB report is indeed a “supplement” to the Davison report, doesn’t that mean the Davison report’s conclusions remain valid? Or is GRE saying the VHB report has superseded, not supplemented the Davison report?

Answer: The referenced Davison Environmental report, dated June 6, 2018, was prepared before any NDDDB-listed avian species were surveyed for at the Project Site. The VHB report, dated October 2, 2019, was prepared following these surveys. No NDDDB-listed avian

species were discovered at the Site; and NDDB, by virtue of its issuing the Final Determination (dated February 28, 2020) for the Project, concurred with these findings. Accordingly, because no NDDB-listed avian species are present at the Site, temporal restrictions to tree clearing is not required.

84. In regard to GRE's responses to STR-STH interrogatory No. 38: Where in the February 28, 2020 NDDB letter from CT DEEP did the agency state that it "concurred with the findings contained" in the VHB report? STR-STH only sees the word "concur" with respect to specific recommendations to protect the Eastern ribbon snake, but Davison Environmental's recommendation with respect to temporal limitations on clearing was not limited to concerns about that single species. In fact, doesn't the February 28, 2020 NDDB letter state that "[c]onsultations with the NDDB should not be substituted for on-site surveys required for environmental assessments"? Why the did GRE conclude that it "may engage in construction activities, regardless of the season, without adversely impacting wildlife"?

Answer: The issuance of a Final Determination by CTDEEP Wildlife Division indicates that the Agency concurs with the wildlife surveys that were performed and the conservation measures that are proposed for a given project. Please also refer to the Response to Interrogatory No. 83 above.

85. In regard to GRE's responses to STR-STH interrogatory Nos. 39 and No 41: Why did GRE conclude that the NDDB Determination, which examines for the presence of endangered, threatened, and species of special concern, is the *only* information that need be presented with respect to fish and wildlife issues related to this project?

Answer: The Petitioner has followed, and will follow, all applicable State-governed regulations and permits necessary to construct the Project; this includes consultation with

CTDEEP Wildlife Division (NDDB) as the designated authority on wildlife. A Final Determination, dated February 28, 2020, was provided by NDDB for the Project.

86. With respect to the NDDB determination, why, if VHB listed five bird species (see Appendix I, Attachment 5 (one state-endangered, four state special concern)), was a survey only completed for the whip-poor-will?

Answer: As noted in CTDEEP's letter, dated August 24, 2018, the Site was not within a listed NDDB area per the available mapping of the time (it has since been amended due to the Petitioner's notification of eastern ribbonsnake). In an effort to assist NDDB with a potential list of species (given the suggestion of lack of available survey(s)), VHB researched and provided a suggested list to NDDB to help form the basis of their Preliminary Assessment. Not all of the species suggested by VHB were included in the targeted list of species in the Preliminary Assessment, dated July 5, 2019, provided by NDDB to the Petitioner. All listed probable species contained in this document were accounted for by field survey or by preparation of conservation measures, and a Final Determination, dated February 28, 2020, was provided by NDDB for the Project.

87. Why has GRE not examined more completely the terrestrial and aquatic wildlife species and habitats potentially impacted by its project, particularly when this issue was pointed out in the CT DEEP letter of August 20, 2018 (see Appendix I) and was stated as a reason for the Council's denial of Petition No. 1347?

Answer: Please refer to the Petitioner's responses to Interrogatory Nos. 85 and 86 above.

88. In regard GRE's responses to the Town of Waterford's interrogatory No. 11: Please provide specific citations to where, in GRE's submitted materials, it has addressed water quality, aquatic habitats, and aquatic life in nearby streams.

Answer: The Petitioner objects to this Interrogatory on the basis that it presumes a requirement regarding certain aquatic information that does not exist for the Project. Notwithstanding the foregoing objection, the Petitioner states as follows: information concerning the required Water Quality treatment volumes of the Project is included in the Project's Stormwater Report. The Project's Stormwater Report also contains information on how the Project's design provides Stream Channel Protection to protect existing streambanks. Please also refer to the Petitioner's response to Interrogatory No. 85 above. Lastly, the Petitioner notes that, to date, no regulatory authority has asked the Petitioner to provide any such specific information regarding aquatic habitat or life; the Petitioner posits that the reason therefor is because the Site does not contain any such habitat or life, and therefore, such studies are not necessary.

89. Please provide specific citations to where, in GRE's submitted materials, it has presented monitoring data on water quality parameters and aquatic species populations for the present un-impacted condition of the nearby streams.

Answer: The Petitioner objects to this Interrogatory on the basis that it presumes a requirement regarding certain aquatic information that does not exist for the Project. Notwithstanding the foregoing objection, the Petitioner states as follows: information relating to monitoring data on water quality parameters is provided in the Project's Stormwater Report. Regarding Intervenor's request for information concerning "aquatic species populations for the present un-impacted condition of the nearby streams," please refer to the Petitioner's response to Interrogatory No. 88 above.

90. In reviewing the plans, STR-STH noted that all of the wet ponds only have a spillway as an outlet, so there will be a permanent pool which averages 3 feet deep in each wet pond. That water will be exposed to bright sunlight and will heat up. As new runoff enters the

basin, the hot water already in the basin will be discharged to upland areas on moderate to steep slopes, where the trees have been cleared, so it is unlikely to be cooled down. There also is a possibility of this standing water supporting algal blooms, including cyanobacteria (formerly known as blue-green algae), which can fix atmospheric nitrogen, thereby increasing nutrient loading to streams and wetlands upon discharge. If there will be water stored within the constructed stormwater basins (i.e., wet ponds), and these basins are exposed to sunlight, how will the water temperature of the impounded water be moderated once water is finally released from the basins? What plans will be in place if a person monitoring the stormwater systems notices algal blooms in the wet ponds?

Answer: The CTDEEP document, *Guidance Regarding Solar Arrays*, recommends that solar developments not be located within 100 feet of an existing watercourse. Furthermore, the Petitioner is aware of a letter that CTDEEP received from Trout Unlimited (dated February 7, 2020), in which Trout Unlimited similarly recommends the utilization of a minimum 100-foot buffer between any project and a Coldwater Fish Resource (i.e., a watercourse). Presumably, the recommended 100-foot buffer acts to moderate any increase in water temperature. The Project, as designed, has no development proposed within 100 feet of an existing watercourse. In regard to Intervenor's inquiry concerning algal blooms in the wet ponds, the Petitioner is not aware of any state regulatory guidance or requirements regarding the handling of algal blooms within the wet ponds; and should this situation occur, however, the Petitioner would defer to CTDEEP for guidance regarding same. Lastly, the Petitioner stresses that, because ponds/basins are a recommended method for stormwater management by the State of Connecticut (as well as a national industry-accepted-practice), the Petitioner sees no reason why they would not be an appropriate method for this Project/Site.

91. The word “thermal” appears once in GRE’s Appendix H (Wetland and Biological Assessment), where GRE states: “Management of stormwater should promote infiltration, as the runoff from solar array fields in general considered [sic] clean with respect to significant pollutant loads. This will help to insure there are no thermal impacts to downstream resources.” In GRE’s Appendix B (Stormwater Report), how many times are the words “thermal” or “temperature” found? What analyses and studies were made to ensure that there will be no thermal impacts to downstream resources? What engineering practices were influenced by planning to ensure there will be no thermal impacts to downstream resources?

Answer: Information concerning the number of times that the words “thermal” and/or “temperature” are found in the Stormwater Report is as available to Intervenor as it is to the Petitioner; therefore, the Petitioner objects to this question and will not respond to this inquiry. With respect to the other two questions posed by Intervenor, the Petitioner states as follows:

The Petitioner is unable to find any instance(s) where this sort of thermal impact analysis and/or study is required (either in connection with a Council petition or the CTDEEP’s General Permit). As has been repeatedly stressed, the Petitioner has complied with all applicable regulations and requirements in connection with the development of the Project. Regarding the engineering practices, the Petitioner is unaware of any substantive regulations or guidance concerning same. If STR-STH has such information, the Petitioner would greatly appreciate if STR-STH could share such guidance with the Petitioner (or alternatively, provide reference(s) to where the Petitioner could obtain such information).

92. The total amount of precipitation and the frequency of heavy precipitation events has risen in the Northeast. Between 1958 and 2012, the Northeast saw more than a 70% increase in the amount of rainfall measured during heavy precipitation events, more than in any other region in the United States. (NRWP - Pg 47-8) Projections indicate intense precipitation

events will continue and have the potential to cause more inland floods, particularly in valleys. Has GRE taken the increase in frequency and intensity of rainfall into consideration, given the fact that this Site is the headwaters to Stony Brook, a tributary to the Niantic River Estuary?

Answer: In accordance with accepted State standards, the Petitioner has used the NOAA Atlas 14 Precipitation Frequency Estimates in its stormwater modelling of the Project. These rainfall precipitation estimates have become the State-accepted standard in recent years, and are generally higher than the previously-used State-accepted rainfall estimates (which were derived from NOAA Technical Memorandum NWS Hydro-35, June 1977).

93. Stormwater, whether discharged directly to a water body or to a storm drainage system, is the most widespread and one of the top contributors of NPS pollution in the Niantic River watershed. (NRWP - pg 54) Will the stormwater mitigation structures created throughout this Site be cleaned? How often? Who will do it?

Answer: The Project's Stormwater Report contains general construction-duration inspection and maintenance guidelines, as well as long-term operation(s) and maintenance plans for the Project's stormwater facilities. The inspection and maintenance of the Site during Project construction will be governed by the terms of the Project's CTDEEP Stormwater General Permit. In accordance therewith, the independent qualified inspector¹ and the contractor will be charged with inspecting the Site weekly; and it will be the responsibility of the contractor to make Project-related repairs as needed. Upon completion of Project construction, and the

¹ In accordance with the CTDEEP Stormwater General Permit requirements, the independent qualified inspector will be subject to CTDEEP approval.

issuance of a Notice of Termination from CTDEEP, the Petitioner will be the entity responsible for the ongoing inspection(s) and maintenance of the solar farm.²

94. GRE referenced making revisions to its site plans in response to multiple interrogatories from both STR-STH and the Town (*see* GRE Response to STR-STH Interrogatories, dated Apr. 27, 2020, Q21, 23, 37; GRE Response to Town Interrogatories, dated Apr. 27, 2020, Q24, 25, 27, 38). When will the revised site plans be submitted?

Answer: The Petitioner intends to make all necessary revisions to the site plans (as conditioned by the Siting Council's approval of the Petition). The revised site plans will be prepared for construction and submitted back to the Siting Council, as part of the required Development & Management Plan phase of the permitting process for these types of projects.

95. If this project is constructed, will GRE commit to copying STR-STH on the weekly inspection reports on which it has offered to provide the Town (*see* GRE Response to Town Interrogatories, dated Apr. 27, 2020, Q22)?

Answer: The Petitioner intends to copy all governmental agencies requesting to be copied on the weekly inspection reports.

96. If the town requires Oil Mill Road to be widened to 24 feet to handle construction traffic (*see* Town interrogatory #5), how will the runoff from the increased impervious surface be handled to minimize non-point pollutants, such as metals and hydrocarbons from being discharged to Oil Mill Brook? How will the increased runoff volumes from the road widening be handled so as not to impact the stream channel morphology of Oil Mill Brook?

Answer: Details regarding any road improvement plans to Oil Mill Road, if needed, will be prepared through consultation with the Town of Waterford.

² Please refer to the Petitioner's Operations and Maintenance Plan (Petition, Appendix C) for more information regarding the proposed post-construction inspection(s) and maintenance plans for the Project/Project Site.

97. Has GRE submitted its Phase 1B assessment to the Tribal Historic Preservation Offices for assessment of the 99 stone groupings discovered on the site, as suggested by SHPO in its April 7, 2020 letter (Ex. C to GRE responses to STR-STH interrogatories)? If not, why not? If so, please provide any responses received.

Answer: GRE does not intend to consult with Tribal Historic Preservation Offices for several reasons. First, the contractor who performed the Phase 1B assessment of the Site had no reason to believe that the subject rock piles were of historical value. Based on the results of the Phase 1B study, SHPO provided approval to proceed with construction of the Project. Lastly, the Site's land owner indicated that the rock piles were made by his family while they were working on their land. Based on the foregoing, there is no reason to pursue further review and/or consultation with the Tribal Historic Preservation Offices concerning the stone groupings.

98. Based on GRE's response to STR-STH interrogatory No. 70, STR-STH understands that JLC Infrastructure now owns Greenskies Clean Energy, which is the development company working with GRE to develop the project. What entity owns GRE, identified as the "Project Company"?

Answer: For purposes of this interrogatory, the Petitioner assumes that "GRE" is actually in reference to GRE GACRUX LLC. GRE GACRUX LLC is owned by Greenskies Clean Energy.

99. In regard to GRE's response to STR-STH interrogatory No. 32: Although GRE states that the ERTEC E-fence system is not being used as an erosion control barrier, according to the plans, the E-fence is being used below the outlet spreaders from the various stormwater basins. Otherwise, siltation fence backed by a wood chip is the sole perimeter erosion control measure. The E-fence is shown as a wildlife exclusion fence on the website

(<https://ertecsystems.com/wp-content/uploads/2019/05/ertec-brochure.pdf>), with the open

orange poly fence being about 3 feet tall. The erosion component is only 14 inches in height, which is about half the height of a standard silt fence, so how is this an effective erosion barrier at the outlet of the basins? How wide and tall will the wood chip berm be? Is the wood chip berm being placed uphill or downhill of the siltation fence barrier? Is the wood chip berm being installed adjacent to the siltation fence barrier?

Answer: The sediment traps and basins are proposed as primary sediment treatment practices. The intent in utilizing the ERTEC E-fence system is that stormwater runoff exiting the basins does not need to be screened further. Accordingly, the ERTEC E-fence system is less likely to be damaged at the location of the basin spillways due to the increased porosity of the fence material, and the system is intended to act primarily as a wildlife exclusionary barrier. The Petitioner prepared a detail of the wood chip mulch berm which it provided in support of the Petitioner's response to the Council's Interrogatory No. 35 (Set Two).

100. In regard to GRE's response to STR-STH interrogatory No. 22: As GRE has admitted that the infiltration basins will not be installed in an off-line configuration to prevent the clogging of the basins as 2004 Storm Water Quality Manual strongly recommends, and GRE states that it only plans to clear the basins prior to the completion of the project, sometime after the site is entirely stabilized, how does GRE propose to keep stormwater mitigated and prevent silt and sediment runoff from the site during and post construction, prior to site stabilization?

Answer: The basins will be built during one of the early phases of Project construction; and, prior to the commencement of earth moving activities, there will be an allowance of time for vegetation to develop on-site. These sediment traps and basins--in conjunction with the proposed silt fence, anti-tracking pad, straw wattles, wood chip mulch berm, ERTEC E-fence, erosion control blankets, and hydroseed with tackifier -- will serve as the basis of erosion and sedimentation control for the Project.

101. In regard to GRE's response to STR-STH interrogatory No. 31: As it takes more than one year in the Northeast for hydroseed to stabilize a site to support construction activities, how will this fact be incorporated into GRE's construction plans? Will GRE be taking the position that as "a full growing season ... is not required in any applicable regulation or guidance document" (GRE response to Town interrogatory No. 19), it need not wait for actual site stabilization to occur?

Answer: The Petitioner objects to this Interrogatory on two grounds: firstly, with respect to STR-STH's unsupported contention that "it takes more than one year in the Northeast for hydroseed to stabilize a site to support construction activities"; and secondly, Petitioner objects to STR-STH's presumption that hydroseeding is the only means of acceptable site stabilization allowed under CTDEEP's Stormwater General Permit.

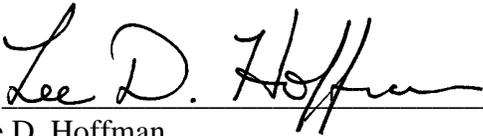
Notwithstanding the foregoing objections, it is the Petitioner's intent to use hydroseed with tackifier prior to Project construction, and vegetative growth will be monitored. Any areas deemed to be insufficiently stabilized prior to solar construction commencement shall be treated appropriately with additional measures, including hydroseed and tackifier, erosion control blankets, straw wattles, compost filter socks, and/or silt fence, as necessary.

102. In response to STR-STH interrogatory No. 34, GRE stated: "All areas that are proposed to be regraded are tributary to either a proposed sediment trap or basin, where the associated stormwater runoff from these areas will be treated prior to discharge from the Site." How and where will the stormwater be treated?

Answer: The proposed sediment traps and basins have been sized in accordance with the 2002 *Connecticut Guidelines for Soil Erosion and Sediment Control*. These traps and basins

provide storage volume capable of retaining the runoff volume from rainfall events and providing wet storage of accumulated sediment.

Respectfully submitted,
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CERTIFICATION

I hereby certify that a copy of the foregoing document was delivered by e-mail on June 18, 2020 to the following service list:

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