

**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

August 3, 2020

PETITION 1347A: GRE GACRUX LLC’S RESPONSE TO STR-STH’S OBJECTION AND MOTION TO STRIKE

Petitioner GRE GACRUX LLC (“GRE” or “Petitioner”) hereby submits the following response to the Objection and Motion to Strike filed earlier today by Save the Rivers-Save the Hills (“STR-STH”). As GRE understands it, STR-STH objects to one of GRE’s late-files as relying on hearsay, and objects to the other as being a summary of correspondence between GRE and the Connecticut Department of Energy and Environmental Protection (“CT DEEP”). GRE shall address each of these objections in turn.

The first issue is that STR-STH takes issue with the response to item (i) and its reference to a confidential report from GRE’s panel provider of choice. While STR-STH is correct that the Siting Council has a provision for the filing of information under seal, but the confidential material contained in the report belongs to the panel manufacturer, not GRE. Thus, it is not GRE’s information to divulge, even under seal, to the Siting Council, STR-STH, or any of the other parties and intervenors.

Nonetheless, GRE stands by its response to item (i). Mr. La Marche can testify to the matter further as he had conferred with the manufacturer in question. In addition, if this Petition is approved, GRE is willing to provide the Council with details regarding the selenium content of

panel that will be used on the project, likely in the D&M Plan phase. It is GRE's intent to utilize panels that meet or will be lower in selenium content than the selenium content referenced in item (i).

STR-STH also takes objection to GRE's summary of CT DEEP's comments on GRE's stormwater design and claims that it cannot conduct cross examination based on this summary. GRE was precluded from filing its full responses to CTDEEP, since those responses took place (as GRE indicated they would) after the Council's deadline for the submission of information.¹ However, since STR-STH wants to see the full comments from CT DEEP, rather than GRE's summary of them, those comments and one of GRE's responses thereto are reproduced on pages 3 and 4. These two pages contain the e-mail from Mr. Neal Williams of CT DEEP providing his July 9, 2020 comments on GRE's stormwater permitting materials, and Mr. Kochis's July 29th response thereto. That July 29th response provided Mr. Williams with the filing made by GRE in this Petition on July 28, 2020. That full filing is attached again as Exhibit A to this Response, provided solely so that STR-STH may see what transpired between GRE and CT DEEP. Since that material is already in the record, STR-STH has had full access to it since the filing of this material on July 28, 2020.

¹ GRE notes that despite this deadline having passed, STR-STH has sought to introduce new pre-filed testimony, new exhibits and new items for administrative notice one day before the hearing is scheduled to take place. Since STR-STH has seen fit to do this, GRE believes that it is also entitled to submit information for the Council's review today. If the Council disagrees, GRE will obviously abide by that decision, however, GRE would then object to STR-STH's introduction of testimony, evidence and items for administrative notice as similarly untimely.

From: Kochis, Steve [mailto:skochis@VHB.com]
Sent: Wednesday, July 29, 2020 11:04 AM
To: Williams, Neal
Cc: Stone, Chris; Allen, Karen; Jean-Paul La Marche
Subject: RE: [External] FW: Waterford Solar - Greenskies

Hi all,

I have copied the client representative for Greenskies, Jean-Paul, on this response. Thanks for walking all over East Windsor with me yesterday – I am happy to say I survived the expedition and the drive home but just barely.

We issued a response to Siting Council last night following up on some questions they had regarding the Waterford project. We wanted to be transparent between the two agencies and combine all the comments into one revised response, and the letter I have attached addresses both sets of the most recent comments.

I have attached all attachments as they were distributed to Siting Council, for your review. I will follow this email up with another email which will have our revised Stormwater Report for Waterford Solar, for your review.

Feel free to call or email me should you need anything else or if you have any questions on these responses. Thanks as always,

Steve Kochis, PE
Senior Project Engineer

P 860.807.4375
www.vhb.com

From: Williams, Neal <Neal.Williams@ct.gov>
Sent: Thursday, July 9, 2020 3:22 PM
To: Kochis, Steve <skochis@VHB.com>
Cc: Stone, Chris <Chris.Stone@ct.gov>; Allen, Karen <Karen.Allen@ct.gov>
Subject: [External] FW: Waterford Solar - Greenskies

Good afternoon Steve,

It has been awhile. I hope all is well with you and your family.

Chris and I have finished looking at Waterford and have the following questions / comments.

1. I agree with Neal that they need to include a note on how they will avoid compaction in the areas of the basins, particularly the ones that will be used for infiltration. If they have to rebuild them in the end, it defeats the

purpose of building and seeding the basins a full growing season before construction. The SQM says not to use stormwater treatment basins as sedimentation traps during construction.

2. I agree with Neal that they need to make clear that they will allow a growing season following construction and stabilization of the basins. Dates alone are not sufficient. (see note 15 in E&S phasing narrative)
3. The plans refer to "energy dissipators" at basin outfalls. They are actually level spreaders that are included as measures under "energy dissipators" in the E&S Guidelines. They need to be clear that these must function as level spreaders. There is only a small note on the detail sheet that says a timber lip is to be installed level. Given the 20 year life of these projects, the lip should also be concrete and the long-term inspection plan should include confirmation that these level spreader lips remain level over time.
4. Construction notes should be clear that when they refer to "mass excavation" they are only referring to those parts of the site where proposed grades are shown and not referring to any grading to smooth other parts of the site. We don't want them opening up grading of 75 acres.
5. We need to see a detail of the sand filter for those basins that will have one. There is only a pipe and a note saying "sand filter only" in the generic stormwater basin detail.
6. The SQM requires stormwater basins to include a pretreatment area. None of the basins indicate where there will be pretreatment. The detail doesn't show any, either.

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***Conserving, improving and protecting our natural resources and environment;
Ensuring a clean, affordable, reliable, and sustainable energy supply.***

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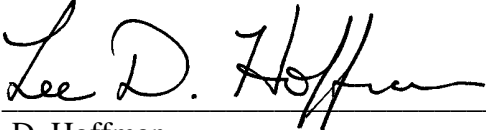
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As indicated in the e-mail below, Mr. Kochis also provided CT DEEP with a stormwater report under a separate cover. Because the report was produced after the July 28, 2020 cut-off for submissions, GRE does not believe it is appropriate to include that material now, and GRE is content to have its Petition considered by the Council with the materials that have already been included in the administrative record. There were only minor edits made to the Stormwater Report to reflect: the changes in the dimensions of Basin 5 (which changes were reflected in the drawings already submitted to the Siting Council); the addition of sediment traps upstream from the infiltration basins (which were reflected on previously filed things); and a revision to the O&M Measures for key items to check for erosion and drainage measures. Should the Council or any party or intervenor so desire, Mr. Kochis can discuss these minor edits during the August 4, 2020 hearing.

WHEREFORE, GRE trusts that this resolves STR-STH's objections satisfactorily, and looks forward to the resumption of hearings.

Respectfully submitted,

GRE GRACRUX LLC

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CERTIFICATION

I hereby certify that a copy of the foregoing document was delivered by e-mail on August 3, 2020 to the following service list:

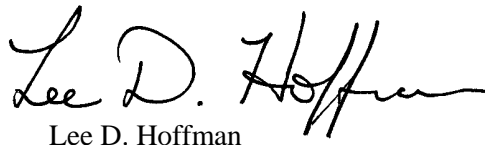
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