

**VIA ELECTRONIC MAIL**

Emily A. Gianquinto  
EAG Law LLC  
21 Oak Street, Suite 601  
Hartford, CT 06106

Deborah Moshier-Dunn  
Save the River-Save the Hills, Inc.  
PO Box 505  
Waterford, CT 06385

**Re: Petition No. 1347A - GRE GACRUX 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 16.78 MW AC Ground-mounted Solar Photovoltaic Electric Generating Facility Located on Oil Mill Road in Waterford, Connecticut**

**GRE INTERROGATORIES TO SAVE THE RIVERS-SAVE THE HILLS, INC.**

Please respond to the foregoing interrogatories no later than April 27, 2020, pursuant to the Connecticut Siting Council's Revised Schedule of March 30, 2020.

Several of these interrogatories refer to that certain correspondence that was submitted on behalf of Save the River-Save the Hills, Inc. ("STR-STH" or "Intervenor") to the Connecticut Siting Council on February 12, 2020. For purposes of these interrogatories, that correspondence shall be referenced as the "STR-STH Correspondence".

1. Please produce every document read, relied on, or referred to by Intervenor to form those opinions expressed in the STR-STH Correspondence.
2. Please identify any individual(s) and/or expert(s) Intervenor retained and/or consulted in connection with the STR-STH Correspondence, including his/her respective qualifications, as applicable.
3. If any individuals and/or experts were so retained and/or consulted by Intervenor in connection with the STR-STH Correspondence, please state each opinion said individual was retained to provide, the factual basis of that opinion, and its scientific basis, as applicable.
4. Has STR-STH thoroughly reviewed the revised Petition No. 1347A, including all narrative(s), appendices, and engineering plans/drawings contained therein?
5. Please answer the following:
  - a. What environmental benefits will be lost if the Site is developed as residential property, in keeping with its current zoning designation, as opposed to the construction of a solar facility?
  - b. Explain how the environmental benefit of the Site would be maintained if the Site were developed in accordance with its zoning designation, as opposed to a solar facility.

6. Does STR-STH believe that it is appropriate to locate solar energy facilities on forested sites where there is minimal risk of significant environmental effects to occur and feasible mitigation measures available (irrespective of whether mapped core forest is present)?
7. Please answer the following:
  - a. Has STR-STH reviewed the Project's revised construction schedule and phasing plan set forth therein, including the related engineering drawings?
  - b. Please identify where, therein, it is suggested that 75 acres would be disturbed at once.
8. Does STR-STH believe that designing the stormwater management for the site to use a reduction/step down of the Hydrologic Soil Groups that are present on-site (to account for compaction during construction) is a reasonable and protective practice? If not, please explain why not.
9. What is STR-STH's experience and understanding of all applicable CTDEEP stormwater regulations and guidance documents; particularly Appendix I to the Stormwater General Permit for construction? For purposes of these interrogatories, the Appendix I that is being referred to was attached to Petitioner's April 6, 2020 responses to the Siting Council's interrogatories as Exhibit D.
10. Does Intervenor believe that Petitioner has redesigned the Project to comply with the CTDEEP stormwater regulations and guidance documents referenced in Interrogatory No. 9 above?
11. If the response to Interrogatory No. 10 above is "no," please explain exactly what elements of Petitioner's current design are out of compliance with applicable regulations and what elements of Petitioner's current design are out of compliance with applicable guidance documents.
12. Referring to Point No. 3 of the STR-STH Correspondence, Appendix I speaks to solar panels being considered impervious for the purpose(s) of calculating Water Quality Volume ("WQV"), if certain conditions are not met. Please provide reference to a State of Connecticut regulatory document that holds that solar panels shall be considered impervious in a hydrologic peak-flow drainage analysis.
13. On page 2 of the STR-STH Correspondence, Intervenor states that, "[t]he Petitioner has a poor track record of creating solar installations that do not 'have a substantial adverse environmental effect in the state' (CGS Sec. 16-50k(a))" and makes certain references to the "Antares Solar Farm."
  - a. Please identify a project of Petitioner's that was determined, legally, to have a "substantial adverse environmental effect in the state."
  - b. Notwithstanding the irrelevance of the "Antares Solar Farm," and litigation involving same as it relates to the instant Petition, please identify the corrective

action(s) the court imposed upon the defendant in that case, as a result of the testimony of Mr. Steve Trinkaus, PE in that case.

- c. Please identify the similarities and differences in engineering design and geotechnical testing between the “Antares Solar Farm,” as referenced, and the current iteration of the site plans for the present Petition.
14. Explain quantitatively whether STR-STH is claiming that there is any increased runoff volume from the site from that which the Petitioner has proposed in its stormwater mitigation plans.
  15. Has the Petitioner performed channel protection volume computations in accordance with the 2004 Connecticut Stormwater Quality Manual?
  16. Referring to Point No. 3 of the STR-STH Correspondence, clearly identify the “stormwater issues in the Waterford Petition” referred to in the last two lines of page 2 of that correspondence and the reasons for those issues.
  17. Page 3 of the STR-STH Correspondence states: *Another reason STR-STH does not trust the Petitioner is that STR-STH was notified by a group that owns land adjacent to the proposed Waterford solar site. This adjacent property contains Stony Brook and several of its tributaries as well as wetlands. The group reported that the Petitioner was asking them if they would sell acres of their land or grant an easement on their land for “stormwater mitigation purposes.”*
    - a. Please identify the “group” referred to herein.
    - b. Please provide copies of all correspondence between STR-STH and the referenced group.
    - c. Is Intervenor aware that the CTDEEP specifically asked Petitioner to investigate the possibility of acquiring land control on adjacent parcels of the Site to expand the project’s boundaries?
  18. Regarding Intervenor’s assessment that on page 3 of the STR-STH Correspondence, “the design of the stormwater management has not materially changed from the original application,” please explain how the following “changed conditions” and redesign of the Project does not constitute a “material change”: (1) the investigation of approximately 100 soil test pits across the Site; (2) the incorporation of engineered water quality treatment features into the Project design; (3) the utilization of a stepped-down Hydrologic Soil Group for hydrologic peak-flow rate analysis; (4) meeting State guidance relating to stream/channel protection; and, (5) completing all requested wildlife studies by CTDEEP resulting in NDDB concurrence on no impact to wildlife.
  19. Does STR-STH agree that the Project’s revised stormwater management design includes 14.1 +/- acre-feet of basin storage, as compared to the original design of 6.4 +/- acre-feet, thereby representing a 120 (%) percent increase in basin storage? If not, please explain why not.

20. Refer to Page 3 of the STR-STH Correspondence, wherein Intervenor provides: *Our review of the current design proposed by the petitioner discovered that it does not address the significant increases in runoff volume that would be generated by the proposal.*
  - a. Please provide documentation and evidence that shows how the current design of the Project fails to adequately address associated stormwater runoff.
  - b. Has Intervenor investigated the respective discharge locations of the proposed stormwater basins at the Site?
  - c. Please provide all stormwater calculations that were completed to demonstrate that the Petitioner did not address the “significant increases in runoff volume” that would be generated by the proposal.
  
21. Page 3 of the STR-STH Correspondence states, in pertinent part: *instead of the overland flow that occurs in the forest today, the petitioner will create multiple points of discharge where concentrated flow will occur.* Please provide calculations that demonstrate how the Project will affect “the overland flow that occurs in the forest today.”
  
22. Explain, quantitatively, how the design of the Project’s stormwater management plan is not in compliance with “sound engineering practices.” Please provide copies of the “sound engineering practices” that have been referred to and/or consulted by Intervenor.
  
23. On page 3 of the STR-STH Correspondence, Intervenor states: *It is frustrating for STR-STH to watch as solar companies claim to be following regulations when they could be doing more to prevent stormwater runoff by changing their underlying assumptions. Assumptions that are obviously wrong to the untrained eye when you see the actual amount of runoff in the pictures shown in the DEEP presentation.*
  - a. Please clarify the following statement: “...solar companies claim to be following regulations when they could be doing more to prevent stormwater runoff by changing their underlying assumptions.”
  - b. Please identify the “underlying assumptions” referred to herein.
  
24. Does any portion of the Project’s proposed solar panel array drain directly to Oil Mill Brook prior to entering a tributary thereof?
  
25. What is the closest distance (in feet) that any portion of the Project’s proposed solar panel array is to Oil Mill Brook?
  
26. What is the closest distance (in feet) that any portion of the Project’s proposed solar panel array is to Stony Brook?
  
27. A final determination by NDDDB was issued for the Project on February 28, 2020; it was submitted to the Siting Council as part of the Intervenor’s April 6, 2020 Interrogatory Responses to the Council as Exhibit G. A copy of the NDDDB determination is attached hereto for convenience. Please provide any comments regarding same.

28. Is STR-STH aware that Petitioner has received both a Preliminary Assessment and Final Determination from the CTDEEP's Wildlife Division, neither of which reference suggested studies of any aquatic species?
29. Please refer to the CTDEEP Wildlife Division's Final Determination for the Project. Therein, did the Wildlife Division indicate that, because the contractor will be following prescribed avoidance measures for Eastern Ribbon Snakes, tree-clearing can occur between April 1st and October 15th?
30. On p. 7 of the STR-STH Correspondence, Intervenor notes that the carbon debt analysis for the Project assumes a 30-year project life. That is correct. Site control for the additional ten (10) years is achieved through two (2), five (5)-year extensions of the subject lease after twenty (20) years. With that being said, what is STR-STH's specific concern regarding same?



Exhibit G

79 Elm Street • Hartford, CT 06106-5127

[www.ct.gov/deep](http://www.ct.gov/deep)

Affirmative Action/Equal Opportunity Employer

February 28, 2020

Jeffrey Shamas  
Vanasse Hangen Brustlin, INC  
100 Great Meadow Rd, Suite 200  
Wethersfield, CT 06109  
[JSHAMAS@VHB.COM](mailto:JSHAMAS@VHB.COM)

**NDDB DETERMINATION NUMBER:** 201914884

**Project:** Installation of Photovoltaic Electric Generating Facility GRE Gacru, LLC Located at 117 Oil Mill Road in Waterford, CT

**Expiration:** February 28, 2022

I have reviewed Natural Diversity Data Base (NDDB) maps and files regarding this project. According to our records, the following State-listed species (RCSA Sec. 26-306) are in the area of or may be influenced by your project.

- **Eastern ribbonsnake (*Thamnophis sauritus*) State Special Concern**
- ***Acalypha virginica* (Virginia copperleaf) State Special Concern**

**Eastern ribbonsnake (*Thamnophis sauritus*)**

Eastern ribbon snakes inhabit areas with shallow water, grassy or shrubby areas bordering streams and wooded swamps. They also prefer sunny areas with low dense vegetation near shallow water areas. Their diet consists of insects, fish, frogs, salamanders and toads. They are dormant between Oct 15- March 31.

I concur with your recommendations to protect ribbonsnake with additional protection measures up to 300ft. Your protection measures include 100 ft, no disturbance buffers of wetlands, and no planned disturbance in the utility ROW. You include allowances for limited disturbance in the 100-200ft wetland buffer. Additionally, if work, traffic, or staging will occur within the 300ft wetland buffer of "wetland 1" during the snakes active season (between April 1- Oct 15), apply the following avoidance measures:

- A contractor awareness program will be developed and implemented to ensure that contractors working in the area have been instructed on the proper response in the event that an eastern ribbonsnake is observed in the work area.
- If any snakes are observed, construction personnel will safely relocate them to an area immediately outside of the work area.
- Any silt fence utilized will be removed after clearing is complete and soils are stabilized.
- Any confirmed eastern ribbon snake sightings will be reported to the NDDB.

***Acalypha virginica* (Virginia copperleaf)**

This plant is found in dry, open soils and bloom in August- September.

This plant was identified in your plant surveys and listed in Attachment 4, Observed Vascular Plant List. Delineate and avoid impacts to this plant from construction activities. Where possible, encourage habitat characteristics that will promote the plant onsite. Additionally, please forward the location information to our program for our records.

This is determination is valid for two years.

---

Natural Diversity Data Base information includes all information regarding critical biological resources available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Bureau of Natural Resources and cooperating units of DEEP, independent conservation groups, and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the NDDB should not be substituted for on-site surveys required for environmental assessments. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as, enhance existing data. Such new information is incorporated in the NDDB as it becomes available.

Please contact me if you have any questions ([shannon.kearney@ct.gov](mailto:shannon.kearney@ct.gov)). Thank you for consulting with the Natural Diversity Data Base and continuing to work with us to protect State-listed species.

Sincerely,

/s/ Shannon B. Kearney  
Wildlife Biologist