

**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

July 28, 2020

**PETITION 1347A: GRE GACRUX LLC'S RESPONSES TO
THE SITING COUNCIL'S LATE-FILED EXHIBIT REQUESTS**

Petitioner GRE GACRUX LLC ("GRE" or "Petitioner") hereby submits the following responses to the Siting Council's requests for late-filed exhibits. Should the Council so desire, Petitioner's witness panel will swear to the information below and the exhibits referenced therein so that there may be a full cross examination on the information presented below.

a) Provide a Sign Posting Affidavit

An affidavit relating to the posting of signage at the site, executed by Steven J. Kochis, is submitted with this response as Attachment A.

b) Provide revised site plans that include, but are not limited to, a new access road alignment, stormwater basins with forebays, revisions to grading plan and stormwater basin alignment, removal of panels within 200 feet of wetland areas, and any other changes to the original site layout

A copy of a revised set of site plans, dated July 28, 2020, is enclosed herewith as Attachment B. The site plans have been revised as follows:

- The entrance road in the vicinity of Vernal Pool 3 and Stormwater Basin 1 has been revised such that daily construction activities shall not use the existing road crossing the wetlands. The revised layout can be found on Site Plan Sheet C-3.2.
- A permanent sediment forebay capable of storing at least 25% of the water quality volume for each basin has been added to the Site Plans upstream of each proposed basin. These basins are depicted on the C-4.X series of the Site Plans.
- Stormwater basin 5 has been revised in footprint to shift the bottom of the basin out of the approximate seasonal high groundwater depth. Information on this stormwater basin can be found on Site Plan sheets C-4.9 and C-6.2.

- A line 200 feet from the delineated onsite wetlands has been added to all the Site Plan sheets. All proposed panels that were previously depicted within this line have been removed from the plans.
- The intent to seed and stabilize areas within 72 hours of earthwork completion has been noted on the pertinent Site Plans. This information can be found on Site Plan sheets C-1, C-5.0, and the C-5.X series.
- The proposed fence in the vicinity of Stormwater Basin 4 has been adjusted as requested. This can be found on Site Plan sheet C-3.6.
- Details for Pretreatment Basins, Earthen Surface Sand Filter Basin, Wood Chip Mulch Berm, and Cross Section of Panel Array have been added to Site Plan sheet C-6.1.

c) Provide revised vernal pool pre and post Vernal Pool Envelope and Critical Terrestrial Habitat figures to exclude the logged areas as a pre and post-construction development condition. Refer to Petition 1347 Responses to Council interrogatories Set 1, Exhibit J for the previous vernal pool analysis conducted for the site

A Vernal Pool Disturbance exhibit has been created dated July 24, 2020. The pre- and post-development Vernal Pool Envelope and Critical Terrestrial Habitat figures have been updated to exclude the logged areas as existing or proposed disturbance. The exhibit is enclosed herewith as Attachment C.

d) Provide a monitoring protocol for the Eastern Ribbon Snake

The Eastern Ribbon Snake monitoring protocol has been created by VHB and is enclosed herewith as Attachment D.

e) Provide an inspection protocol and potential remedial actions for vernal pool species that may use the post-construction wet pond stormwater basins as decoy pools

The ongoing monitoring plan for decoy pool usage has been completed by VHB and is enclosed herewith as Attachment E. Additionally, the measures are also shown on Site Plan sheets C-3.2 and C-3.5 of Attachment B.

f) Revise Site Plan C-5.0 Notes to include inspections of E&S controls/basins (daily, weekly, and prior to and after a storm events)

The notes on Site Plan Sheet C-5.0 (included in Attachment B) have been revised to require the contractor to perform daily inspections of the erosion and sediment control features on the site. It has also been clarified in the notes that a CTDEEP-approved qualified inspector shall perform weekly inspections, at a minimum, and/or inspections within 24 hours of a 0.5-inch rainfall event.

g) Revise the stormwater basin callouts on Site Plans 4.0 series and 5.0 series to clearly indicate where erosion blankets and rip rap will be installed

The stormwater basin callouts on Site Plan Sheets C-4.X and C-5.X series (included in Attachment B) have been revised to depict where to install erosion control blankets within the basin and where to install riprap.

h) Revise Site Plan 6.2 to include Silt Fence barrier detail/notes for areas with exposed and shallow bedrock

The Silt Fence Barrier detail on Site Plan sheet C-6.2 (included in Attachment B) has been revised with a note outlining how the contractor shall handle obtrusions while placing the silt fence.

i) Indicate whether solar panels include selenium

The Petitioner has received documentation from our most common manufacturer and the manufacturer of the modules most likely to be used for the proposed project regarding what materials are included in the modules. The report is confidential, so cannot be provided at this time, but it does confirm that selenium is not a major material used in the modules and that it can only be detected in trace amounts of .05 mg/L (below the limit of 1 mg/L) and does not leach from the module.

If the project is approved, the Petitioner is willing to provide the Siting Council with any information it receives from its selected manufacturer regarding the selenium content of any panels that will be used in the project.

j) Provide the amount of anticipated site grading in acres and as a percentage of the construction area;

Based upon a review of the Site Plans revised through July 28, 2020, it is anticipated that the total site development will be approximately 75 acres. Of that 75 acres, it is anticipated that a footprint of approximately 6.4 acres will be disturbed to install the proposed stormwater basins, that approximately 8.9 acres will be disturbed to grade down slopes in excess of 15%, and approximately 0.9 acres will be disturbed to install the proposed swales. This total of 16.2 acres of grading represents approximately 21.6% of the total site development area of 75 acres.

k) Indicate whether Petitioner will adhere to the clearing restrictions behind Appendix H of the Petition.

The Petitioner presumes that the Council is referring to section 4.2 of Appendix H, which states that to promote habitat, “all clearing should occur between October 15th and March 1st, to prevent impacts to wildlife.” Assuming that Petitioner is correct in that assumption, assuming the Petition is approved in a time frame that would allow Petitioner to undertake its clearing between October 15th and March 1st, Petitioner will adhere to that clearing restriction. If that is not the case, Petitioner would first apply to the Siting Council, through the D&M Plan process, to provide an alternative method of site clearing that would be protective of the wildlife in the area and would abide by the Siting Council’s decision regarding such an alternate plan.

In addition to the foregoing responses the Council requested, Petitioner wishes to clarify the discussions surrounding the stormwater permitting process that took place at the 1:00 p.m. hearing on July 14, 2020. This discussion begins on page 40 of the Transcript, where Steven Kochis discussed comments from CT DEEP that Petitioner had received concerning its stormwater permit application. The comments from CT DEEP, and Petitioner's responses thereto, are included below for the Council's review. Petitioner anticipates filing these responses with CT DEEP on July 29, 2020.

CTDEEP COMMENTS

1) Determine how to avoid compaction of proposed infiltration basins during their use as temporary sediment traps.

The Site Plans have been revised to include new temporary sediment traps upstream of the proposed infiltration basins, which have been sized to handle their tributary watershed areas. These temporary sediment traps will remain permanently as oversized pretreatment basins for the infiltration basins. This information can be found on the Site Plan sheet C-4.X series.

2) The Petitioner shall make clear that they will allow a growing season following construction and stabilization of the basins prior to initiation of solar development.

Note 15 of the Pre-Construction Site Protection Sequence has been revised to state that the initiation of mass earthwork or solar development cannot take place until the disturbed areas from the erosion and sediment control sequence have been seeded and allowed to grow through a growing season. This note can be found on Site Plan sheet C-5.0.

3) The outfall point of the energy dissipators shall be converted from timber to concrete curb, and the long-term inspection plan shall be revised to include confirmation that these level spreader lips remain level over time.

The Energy Dissipator detail on Site Plan sheet C-6.2 has been revised to depict a concrete curb in lieu of a timber lip at the discharge point from the measure. The Long-term inspection plan depicted in the Stormwater Report has been revised to address inspection measures for the energy dissipator, and the Stormwater Report is also enclosed herewith.

4) Construction notes shall be clear that "mass excavation" refers only to those parts of the site where proposed grades are shown.

Note 1 of the Construction Sequence on Site Plan sheet C-5.0 has been revised to note that mass earthwork shall only mean regrading to meet the proposed grading depicted on the plans.

5) Include a detail for the sand filter.

A detail for Earthen Surface Sand Filter Basin has been added to Site Plan sheet C-6.1.

6) The site plans should be revised to include pretreatment basins for all proposed stormwater basins.

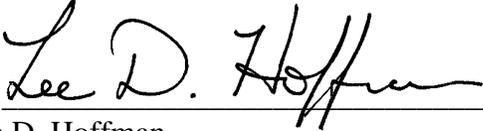
A detail for the Pretreatment Basins has been added to Site Plan sheet C-6.1 and a permanent sediment forebay capable of storing at least 25% of the water quality volume for each basin has been added to the Site Plans upstream of each proposed basin. These basins are depicted on the C-4.X series of the Site Plans.

7) A Letter of Credit in the value of \$15,000 per acre of disturbance shall be provided to the Department.

A Letter of Credit for \$1.125M will be secured and delivered to CTDEEP.

Respectfully submitted,

GRE GRACRUX LLC

By:  _____

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CERTIFICATION

I hereby certify that a copy of the foregoing document was delivered by e-mail on July 28, 2020 to the following service list:

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