

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**

**SAVE THE RIVER-SAVE THE HILLS, INC.'S RESPONSES TO INTERROGATORIES ISSUED BY THE CONNECTICUT SITING COUNCIL**

Save the River-Save the Hills, Inc. ("STR-STH") hereby responds to the interrogatories issued by the Connecticut Siting Council:

1. Provide a list of all of the names of the members of STR-STH for the record.

**RESPONSE:** STR-STH objects to this interrogatory. STR-STH's incorporation documents do not define "member" or include any requirement to be a member. Members of STR-STH do not have voting rights. STR-STH is not a recently formed nonprofit with the single goal of opposing this project; it is an established nonprofit that has been in existence for nearly 20 years. STR-STH's "membership" consists of people who may have paid \$25 or even less in order to support STR-STH's mission of protecting the Niantic River watershed and the Oswegatchie Hills. Many people provide a donation in connection with STR-STH's free boat pumpout service. None of these individuals have agreed to have their names released on a public site. Moreover, as they do not have voting rights or any influence on STR-STH's policy positions or its programs, the idea that they may be prevented from speaking at a public hearing if they so choose simply because they made a donation to STR-STH would undermine the entire principle of public participation.

Notwithstanding those objections, STR-STH's officers and those individuals who are otherwise in leadership positions at STR-STH are as follows:

- Fred Grimsey, President
- Deborah Moshier-Dunn, Vice President
- Suzanne Thompson, Secretary
- Liz Caruso, Treasurer
- Eileen O’Pasek, Membership Chair and Legislative Liaison & Fundraising Chair
- Petie Reed, Member at Large
- David Robinson, Member at Large
- Mark Sperry, Member at Large

2. How many solar photovoltaic projects has Mr. Trinkaus designed in the State of Connecticut that have been approved and constructed? Please indicate size and locations of such Projects. Did these projects require a DEEP General Permit?

**RESPONSE:** STR-STH objects to this interrogatory as irrelevant. As a licensed professional engineer in Connecticut and Maryland, Mr. Trinkaus can perform any type of civil engineering work within his field of knowledge and experience. As STR-STH has repeatedly informed the Council, ground-mounted solar arrays are no different from a civil engineering design perspective from any other commercial/residential or industrial project. All of these projects require grading, erosion/sedimentation control plans and stormwater management plans done in such a manner as to meet the standard of care for the practice of licensed professional engineers in Connecticut. Mr. Trinkaus has performed that type of civil engineering work since 1983. His CV, which details his experience and expertise in stormwater management, is attached to his prefiled testimony filed on today’s date, as well as to STR-STH’s responses to GRE’s interrogatories, dated April 27, 2020.

Notwithstanding that objection, Mr. Trinkaus is the designer of the solar array for LSE Pictor, LLC for a 1.99 MW AC solar array on Platt Hill Road in Winchester, Connecticut, which is currently pending in front of the Siting Council as Petition No. 1398 and will require registration for a DEEP General Permit. He also reviewed the design and cause of failure of the stormwater management system for the solar array GRE installed in East Lyme, which failure

occurred after this Council approved the project and resulted in the issuance of cease and desist orders when the approved design failed. Mr. Trinkaus prepared two detailed written engineering reviews of that project for a lawsuit brought by the downgradient owner. Mr. Trinkaus also reviewed and provided written comments on the solar array approved by this Council in Old Lyme, and has reviewed the design plans for solar arrays proposed in Pomfret, Canterbury/Brooklyn and East Hampton.

3. Referring to the STR-STH responses to GRE GACRUX LLC's Interrogatories 25 and 26, what other ways are there to measure any environmental effects the proposed project could have on both Oil Mill Brook and Stony Brook?

**RESPONSE:** STR-STH's reference to the distance not being the only measure of the project's impact was intended to pre-emptively rebut GRE's anticipated argument that because the solar arrays are more than 800 feet away from the tributaries, they cannot be said to have an adverse impact. STR-STH was merely pointing out that distance is not the only concern. Topography is significant on this site, for example, as the distance between the closest solar array and Stony Brook is such that the runoff from the array will go down a steep slope, heading toward Stony Brook. The distance to the brooks from the clearing area is also significant, as is the presence of intermittent tributaries, which are closer to the array and the clearing areas than the brooks and will at certain times of year cause more silt to travel to the brooks. The work GRE will need to do to improve the condition of Oil Mill Road is also important in measuring the adverse impacts of this project, as that work will take place directly over and adjacent to Oil Mill Brook.

4. Please comment on the buffer zones to a "coldwater fish" [sic] resource" recommended by the Connecticut Council of Trout Unlimited in correspondence to the Department of Energy and Environmental Protection, Water Permitting and Enforcement

Division, dated February 7, 2020, in response to a solicitation of comments by DEEP regarding the Proposed Reissuance with Modifications of the *General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities*. A copy is attached for your convenience.

**RESPONSE:** STR-STH refers the Council to the letter it should have received on today's date from the Connecticut State Council of Trout Unlimited, clarifying its February 7, 2020 letter to DEEP and commenting on this project. In sum, the 100-foot buffer from coldwater fish resources that Trout Unlimited proposed be added to the General Permit is intended as a *minimum* requirement. Currently, the General Permit is silent with respect to coldwater fish resources, so they are not considered at all when applicants register for the General Permit. Adding that minimum requirement does not reflect that Trout Unlimited believes 100 feet is adequate in all circumstances; in fact, Trout Unlimited's letter to the Council states that the organization stands by STR-STH's position, which means it opposes siting this project in such proximity to the coldwater fish resources that are Oil Mill Brook and Stony Brook. STR-STH agrees that adding a minimum buffer to the General Permit requirements is a step in the right direction in recognizing the value of coldwater fish resources and their sensitivity to stormwater pollution. But at this site, that minimum buffer would certainly not be enough to protect the very high quality coldwater fish resources that are the tributaries to the Niantic River Estuary, for all of the reasons STR-STH has provided in its past comments and interrogatory responses and in its prefiled testimony filed on today's date.

**SAVE THE RIVER-SAVE THE HILLS, INC.**

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**CERTIFICATION**

I hereby certify that a copy of the foregoing document was delivered by first-class mail and e-mail to the following service list:

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