



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
Phone: (860) 827-2935 Fax: (860) 827-2950
E-Mail: siting.council@ct.gov
Web Site: www.ct.gov/csc

VIA ELECTRONIC MAIL

May 26, 2020

Jesse A. Langer, Esq.
Updike, Kelly & Spellacy, P.C.
8 Frontage Road
East Haven, CT 06512-2101

RE: **PETITION NO. 1396** – CP East Hampton Solar I, LLC and CP East Hampton Solar II, 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 1.0-megawatt AC solar photovoltaic electric generating facility and a 0.975-megawatt AC solar photovoltaic electric generating facility on an approximately 27 acre parcel located generally west of Skinner Street (Route 196) and south of Forest Street in East Hampton, Connecticut and associated electrical interconnection.

Dear Attorney Langer:

At a public meeting held on May 21, 2020, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal meets air and water quality standards of Department of Energy and Environmental Protection and would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need.

The Council acknowledges that Condition No. 2 in the attached staff report has been satisfied with the submission of the Federal Aviation Administration No Hazard determination for Solar Panel Point 2 on May 20, 2020.

A declaratory ruling is granted with the following conditions:

1. Approval of any minor project changes be delegated to Council Staff;
2. Prior to the commencement of construction, submission of a copy of a DEEP-approved Stormwater Pollution Control Plan and a DEEP General Permit;
3. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed within three years from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable;
4. Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be served on all parties and intervenors, if applicable, and the Town of East Hampton;

5. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
6. The facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v;
7. This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v; and
8. If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition dated March 6, 2020, and additional information received April 3, 2020, April 30, 2020, and May 20, 2020.

Enclosed for your information is a copy of the staff report on this project.

Sincerely,

s/ Melanie A. Bachman

Melanie A. Bachman
Executive Director

MAB/emr

Enclosure: Staff Report dated May 21, 2020

c: The Honorable Pete Brown, Chairman, Town of East Hampton
David Cox, Town Manager, Town of East Hampton
Jeremy DeCarli, Planning & Zoning Official, Town of East Hampton



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Petition No. 1396
CP East Hampton Solar I, LLC and CP East Hampton Solar II, LLC
Skinner Street, East Hampton
Staff Report
May 21, 2020

Introduction

On March 6, 2020, CP East Hampton Solar I, LLC and CP East Hampton Solar II, LLC (collectively, the Petitioner or CPEHS)¹ submitted a petition (Petition) to the Connecticut Siting Council (Council) for a declaratory ruling pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k for the construction, maintenance and operation of a one 1.0-megawatt (MW) alternating current (AC) solar photovoltaic generating facility and a one 0.975-MW AC solar photovoltaic generating facility (collectively, the facility) located off of Skinner Street in East Hampton, Connecticut.

On or about March 6, 2020, the Petitioner notified Town of East Hampton (Town) officials, state officials and agencies, the property owner, and abutting property owners of the proposed project.

On March 12, 2020, pursuant to CGS §4-176(i) of the Uniform Administrative Procedure Act, the Council requested an extension of the deadline under CGS §4-176(e) that requires an administrative agency to take action on a petition within 60 days of receipt. May 5, 2020 was the deadline for this petition under CGS §4-176(e). On March 12, 2020, the Council requested an extension of the deadline to June 22, 2020. On March 13, 2020, CPEHS consented to the extension. Furthermore, in response to the Coronavirus pandemic, on March 25, 2020, Governor Lamont issued Executive Order No. 7M that provides for a 90-day extension of statutory and regulatory deadlines for administrative agencies.

The Council issued interrogatories to CPEHS on March 20, 2020. On April 3, 2020, CPEHS submitted responses to the Council's interrogatories. On April 15, 2020, the Council issued a second set of interrogatories to CPEHS. On April 30, 2020, CPEHS submitted responses to the second set of interrogatories, which include photographic documentation of site-specific features intended to serve as a "virtual" field review of the project. Council staff member, Michael Perrone, visited the site on May 5, 2020.

Municipal Consultation

Representatives of CPEHS have collaborated with the Town on an ongoing basis. Beginning in March 2019, and through October 2019, CPEHS met with the Town's Sustainability Committee, Board of Education, Board of Finance, and the Town Council. CPEHS held informational meetings regarding the project before the Town Inland/Wetlands Watercourse Agency on February 26, 2020 and the Town Planning & Zoning Commission on March 4, 2020. CPEHS also met with the Town Manager, Town Planner and Town Finance Director. The Town is the municipal host customer of both virtual net

¹ CP East Hampton Solar I and CP East Hampton Solar II are both Connecticut limited liability companies, both formed to develop, construct and operate the two solar PV facilities. They are wholly-owned subsidiaries of Citrine Power LLC.

metering (VNM) agreements allocated by The Connecticut Light and Power Company d/b/a Eversource Energy (Eversource).

By letter received March 9, 2020, the Town expressed support for the proposed project as it would make a productive use of otherwise unused property, benefit the Town and its schools by providing VNM credits, and contribute to meeting the state's renewable portfolio standards².

On March 10, 2020, the Council sent correspondence to the Town stating that the Council has received the petition and invited the Town to contact the Council with any questions or comments by April 5, 2020. No additional comments from the Town were received.

State Agency Comments

On March 10, 2020, the Council sent correspondence requesting comments on the proposed project from the following state agencies: Department of Energy and Environmental Protection (DEEP); Department of Agriculture (DOAg); Department of Public Health (DPH); Council on Environmental Quality (CEQ); Public Utilities Regulatory Authority (PURA); Office of Policy and Management (OPM); Department of Economic and Community Development (DECD); Department of Emergency Services and Public Protection (DESPP); Department of Consumer Protection (DCP); Department of Labor (DOL); Department of Administrative Services (DAS); Department of Transportation (DOT); the Connecticut Airport Authority (CAA); and the State Historic Preservation Office (SHPO). The Council requested that comments be submitted by April 5, 2020.

The CEQ responded on March 25, 2020. CEQ's comment letter is attached to this staff report. No other state agencies commented on the project.

While the Council is obligated to consult with and solicit comments from state agencies by statute, the Council is not required to abide by the comments from state agencies.³

Public Act 17-218

Effective July 1, 2017, Public Act 17-218 requires, "for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, excluding any such facility that was selected by DEEP in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the DOAg represents, in writing, to the Council that such project will not materially affect the status of such land as prime farmland or DEEP represents, in writing, to the Council that such project will not materially affect the status of land as core forest." The proposed facility has a collective generating capacity of 1.975 MW. Therefore, it is exempt from the provisions of Public Act 17-218.

Public Benefit

The project would be a distributed energy resource facility as defined in CGS § 16-1(a)(49). CGS § 16a-35k establishes the State's energy policy, including the goal to "develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent." On February 8, 2018, DEEP issued the 2018 Comprehensive Energy Strategy (2018 CES). Guided by the long-term vision of transitioning to a zero-carbon economy, the 2018 CES highlights eight key strategies to guide administrative and legislative action over the next several years. Specifically, Strategy No. 3 is "Grow and sustain renewable and zero-carbon generation in the state and region." The proposed facility is

² Pursuant to CGS §16-244u, the state's VNM program incentivizes the use of renewable energy by allowing municipalities and other end use customers to assign surplus energy production to other metered accounts.

³ *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007)

distributed generation. Specifically, the proposed facility will contribute to fulfilling the State's Renewable Portfolio Standard as a zero emission Class I renewable energy source.

The state's Low and Zero Emissions Renewable Energy Credit Programs (LREC/ZREC Program) was developed as part of Public Act 11-80, "An Act Concerning the Establishment of the [DEEP] and Planning for Connecticut's Energy Future." The LREC/ZREC Program is not among the competitive energy procurement programs that are exempt from Public Act 17-218.

The LREC/ZREC Program creates a market-driven bidding process for renewable energy projects ranging from rooftop solar panels to fuel cells to compete to obtain a 15-year revenue stream from the sale of renewable energy credits (RECs) to the electric utilities. It requires Eversource and the United Illuminating Company (UI) to procure Class I RECs under 15-year contracts with owners or developers of renewable energy projects in the state. The LREC/ZREC Program is designed to run for a six year period during which developers can sell electricity from qualifying projects of Class I RECs to the utilities at a fixed price for the life of the contract. At the end of the LREC/ZREC Program, Eversource and UI are required to purchase \$1.02 billion of RECs directly from customers, site owners and/or developers of clean energy projects. Of that amount, \$300 million is to be spent on LRECs, and \$720 million is to be spent on ZRECs.

CPEHS proposed to submit the facility into the Year 9 ZREC Auction. If the project is approved by the Council, the Petitioner would go forward with the proposed project irrespective of whether the project cleared the Year 9 ZREC Auction.

Proposed Site

The proposed facility would be located on an area of approximately 8.64 acres⁴ of a total of approximately 27.42 acres, consisting of one lot located directly west of Skinner Street (Route 196). The subject property is owned by Skinner Street Properties LLC and located in the Town's Industrial Zone. The site is primarily undeveloped land with a small clearing and existing gravel access road in the eastern portion of the site. The surrounding area is a mix of residential and undeveloped, wooded land with industrial and commercial development along Route 196.

During its site search, the Petitioner initially considered the size, existing grades, surrounding topography, proximity to the electrical grid, congruence with local planning and zoning, and property owner willingness, as well as potential adverse impacts to environmental and natural resources.

Proposed Project

The proposed project consists of two solar facilities on the same property including a 1 MW AC solar facility that would consist of approximately 3,614 solar modules of 370 Watts direct current (DC) (West Solar Facility) and a 0.975 MW AC solar facility that would consist of approximately 3,380 solar modules of 370 Watts DC (East Solar Facility).

The West Solar Facility would be owned by CP East Hampton Solar I, LLC, and the East Solar Facility would be owned by CP East Hampton Solar II, LLC. Both facilities are subject to VNM agreements with the Town.

The modules would be installed on a fixed-tilt racking system and oriented to the south at a 20 degree angle. The modules would be mounted to a ground-mounted racking system. The modules would be installed with a ground clearance of approximately 3 feet. The maximum height to the tops of the solar panels and racking would be approximately 8 feet.

⁴ There would be an additional 6.29 acres of disturbance beyond the project limits, so the total development area would be about 14.93 acres.

The racking system would be supported by posts that would be driven about 7 to 10 feet into the ground using a specialized post driving machine. The racking posts would be approximately 14 to 16 feet long. In the event that ledge is encountered, the Petitioner would evaluate the appropriate remedial measure on a case by case basis. Such options would include the use of different footing options such as a concrete pier, boring into bedrock and setting the post in concrete, or fixing a base plate to the post and fastening it to bedrock utilizing rock anchors.

The Petitioner would install approximately fifteen 125-kilowatt (kW) string inverters and one 100-kW string inverter. The power output from the inverters would feed into two step-up transformers to raise the voltage to the level of the existing electric distribution.

The efficiency of the proposed solar panel would be approximately 19 percent. The projected annual power degradation (as the panels age) would be about 0.5 percent per year.

The facility would be enclosed by a seven-foot high chain-link fence and would include a locked 16-foot wide entrance gate. Two secondary gated access points would be located along the western and eastern fence lines to provide access for maintenance of stormwater management basins.

The proposed project would utilize an existing approximately 530-foot long dirt and gravel access road that extends west from Route 196 to the project area. The Petitioner would add two pipe crossings (or culverts) to the existing access road along with some minor upgrades and top dressing, and the existing access would be extended by about 150 feet farther to the west to reach the entrance gate to the facility.

The electrical interconnection would run underground from the concrete equipment pads (located in the northeastern portion of the fenced facility) and under the access road turnaround before converting to overhead to reach the existing distribution on Route 196. Approximately seven utility poles of about 35 to 40 feet in height would be installed along the access road. The Petitioner has received interconnection agreements from Eversource, and the solar facility is in the design phase of the interconnection process. Eversource currently has existing three-phase overhead electrical distribution on the Route 196.

Daily monitoring would be conducted via an internet-based data acquisition system, which would have the capability to send alarms identifying communication and power generation issues should they occur.

The useful life of each facility is at least 25 years. The Petitioner intends to operate each facility until the equipment has exhausted its useful life.

The nearest residence to the proposed facility is located at 77 Childs Road and is approximately 185 feet to the north of the proposed project perimeter fence.

Construction is expected to typically occur Monday through Saturday from 7:00 a.m. through 6:00 p.m. and Sundays from 9:00 a.m. to 6:00 p.m. (with federal holidays observed). If approved, the Petitioner would commence construction approximately beginning in early June 2020 for final completion in approximately November 2020.

Public Safety

The proposed project would meet or exceed applicable local, state, national and industry health and safety standards and requirements. Both facilities would each have separate electrical interconnections to the grid. Thus, if one facility experiences electrical problems resulting in a shut down, the other facility could remain in service.

The Petitioner would ensure that first responders are trained in the procedures necessary to address the event of a fire or emergency. For example, the arrays can be de-energized via a system disconnect

located at the equipment pad proposed on the southern portion of the arrays. The Petitioner would ensure that the first responders are properly trained to engage the system disconnect. In addition, the Petitioner would ensure that keys are available for first responders in a Knox box or equivalent Rapid Entry System, as required by the local fire authorities.

By letters dated February 5, 2020, the Federal Aviation Administration (FAA) also issued Determinations of No Hazard to Air Navigation (No Hazard Determinations) for temporary structures, i.e. cranes. By letters dated February 28, 2020, the FAA issued No Hazard Determinations for various points along the solar project footprint. One point (known as Solar Panel Point 2) was inadvertently omitted in the submission to FAA. Council staff suggests including a condition that the FAA determination for Solar Panel Point 2 be submitted to the Council.

The panels are manufactured to absorb solar radiation and minimize reflectivity. This incidental light reflected is significantly less than common building materials such as steel or the surface of smooth water.

Environmental Effects and Mitigation Measures

Historic and Recreational Resources

The Petitioner performed a Phase IA/IB Cultural Resources Survey dated January 2020 (Cultural Resources Survey). According to the Cultural Resources Survey, the nearest historic structure listed on the National Register of Historic Places (NRHP) is the Belltown Historic District, located to the northeast of the proposed project (on the opposite side of Route 196). However, this historic resource would not be directly or indirectly impacted by the construction of the proposed solar project.

The Phase IA indicated that the proposed development area may contain intact archaeological deposits in the subsoil. Thus, a Phase IB cultural survey of the limits of work was performed. This effort resulted in the identification of one historic period artifact. Due to the lack of any research potential, this isolated find is not considered significant per the NRHP criteria, and no additional examination of the project area is recommended prior to construction.

By letter dated February 7, 2020, the State Historic Preservation Office notes that it concurs with the findings of the Cultural Resources Survey; no additional archaeological investigations of the project area are warranted; and no historic properties would be affected by the proposed project.

Visibility

Generally, year-round visibility of the proposed facility would be minimal and confined to areas on the site immediately surrounding the project. Limited seasonal (or “leaf off”) views could extend to abutting properties immediately south of the facility’s limits of disturbance. These views, however, would be limited to the perimeter fence and the first row or two of solar panels. The Petitioner proposes to limit tree removal to the larger trees south of the facility and would not grub that area. By not grubbing that area, the Petitioner would allow the area to re-establish as a scrub-shrub habitat to reduce the visibility of the proposed facility. The Petitioner is amenable adding the following statement to its Operations & Maintenance Plan, “The scrub-shrub habitat between the tree line and the facility will be maintained only to the extent that it impacts shading to otherwise allow for a natural understory vegetative barrier.”

Overall, any views would be minimized by the facility’s relatively low height, existing topography, and the inclusion of a 35-foot (or greater) buffer of existing mature vegetation surrounding the facility. The nearest recreational area is the Airline State Park Trail (ASPT), located approximately 94 feet north of northern perimeter fence of the proposed solar facility at the closest point. The ground elevation at the

proposed solar panels closest to the ASPT is approximately 423 feet above mean sea level (AMSL), with the top edge of the panels reaching about 431 feet AMSL. However, the existing ground elevation of the ASPT closest to the solar panels is lower at 405 feet AMSL. Individuals on the trail would not be expected to have views of the solar panels due to the difference in elevation and the horizontal distance of about 130 feet from solar panels to the ASPT.

Agriculture

No Prime Farmland Soils, Statewide Important Farmland Soils, or Locally Important Farmland Soils exist at the proposed site. Thus, there would be no impacts to such farmland soils.

Wetlands and Watercourses

Wetland 1 consists of two “fingers” of a larger headwater seep wetland system that occurs along the site’s western property boundary and extends off site. Wetland 2 consists of a seep wetland system that is located within the northcentral portion of the site. Wetland 3, located to the northeast of the site, consists of a forested hillside seep system that generally drains south along the eastern site boundary.

Wetland 2 drains southeast to a low point where a drainage swale was constructed to convey drainage from this wetland along the south side of the existing access road and out to Skinner Street and into a closed drainage system. The drainage swale or intermittent watercourse, known as IWC 2, currently crosses the existing access road in two locations.

Direct wetland impacts would be limited to the improvement of the two existing watercourse crossings of the access road associated with IWC 2. Each proposed crossing would include a 24-inch diameter pipe that would be embedded six inches to provide a natural stream bottom. These new culverts would comply with the requirements of the U.S. Army Corps of Engineers, New England District, General Permit 19 - Stream, River & Brook Crossing. This would be eligible as a Self-Verification Project.

To protect wetland resources during construction, the Petitioner submitted a Wetland and Eastern Box Turtle Protection Plan (WEBTPP), which includes, but is not limited to, the use of erosion and sedimentation controls consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*.

On November 21, 2019, CPEHS assessed all three wetland resource areas for indications of vernal pool resources. During the wetland investigation, the Petitioner did not find evidence of areas or depressions that exhibited vernal pool characteristics that could support breeding habitat and; thus, no potential vernal pools (PVPs)⁵ were observed at the site. During the April 22, 2020 in-field reconnaissance conducted in response to Council Interrogatory No. 40, no vernal pools were observed at the site. Wetland impacts would be limited to the crossing of the existing access road, and thus, any additional impacts would be avoided.

Wildlife

In Connecticut, the core distribution of the timber rattlesnake, a state-listed Endangered Species, is restricted to a small number of populations located in the northwest highlands and uplands east of the Connecticut River. On October 24, 2019, a field assessment was conducted to determine if any suitable timber rattlesnake habitat occurs within the subject property. Although mixed deciduous habitat occurs on the subject property, it is over three miles from the closest known denning site and unlikely to be used

⁵ During the wetlands investigation for Council Petition 1367, the Petitioner initially found three areas or depressions that exhibited vernal pool characteristics that could support breeding habitat; and thus, three potential vernal pools (PVPs). One of the PVPs was later confirmed as a vernal pool.

by foraging rattlesnakes originating from such den. Thus, no impacts to timber rattlesnakes are expected to result from the proposed project, and thus, no protective measures are recommended.

CPEHS' field assessment also included the eastern box turtle (EBT), a state-listed Species of Special Concern. The habitat for the EBT was found to be marginal and moderately fragmented. However, a fragmented patchwork of suitable habitat was found surrounding the property. No EBTs were encountered during the field assessment, but they have been reported in close proximity to the subject property.

By letter dated November 20, 2019, DEEP indicated that the EBT occurs at the proposed site and indicated that it concurs with CPEHS' proposed protection plans for the EBT. For the EBT, CPEHS' WEBTPP includes, but is not limited to, isolation measures and erosion and sedimentation controls; contractor education; protective measures during the EBT's active period (i.e. April through October); protective measures during the EBT's inactive period (i.e. November through March); and reporting requirements.

The project would result in the removal of trees with a diameter of greater than three inches. Since such tree clearing could affect the habitat of the northern long-eared bat (NLEB), a federally-listed Threatened Species and state-listed Endangered Species, a review for compliance with the Endangered Species Act was performed. The proposed project would not be located within 150 feet of a known NLEB maternity roost tree or within 0.25-mile of a known NLEB hibernaculum. Additionally, CPEHS completed a determination of compliance with Section 7 of the Endangered Species Act and submitted it to the U.S. Fish & Wildlife Service on January 9, 2020. Thus, the project would not likely result in an adverse impact or incidental take of NLEB.

Forest and Parks

The site contains approximately 3.3 acres of interior woodlands that would be considered a "small core" forest block. A total of approximately 14.27 acres of trees would be removed for the installation of the solar facilities. Of this total tree clearing area, approximately 3.1 acres are located within core forest with the majority of impacts affecting edge forest. However, this core forest block is not ideal for supporting breeding habitat for forest-interior birds and larger wildlife species due to the small size of the block and existing fragmentation influenced by surrounding residential/commercial development, local roads and the adjacent Airline Trail. Thus, it is not anticipated that the proposed project would have a significant negative impact to core forest.

Air Quality

The project would comply with noise and air regulations. Operation of both facilities for 20 years would result in the offset of approximately 45,640 metric tons of carbon dioxide. The carbon payback period would equal 1.94 days (per year) to recover the loss of annual carbon sequestration by the 14.27-acres of tree clearing.⁶ The solar project would not produce air emissions of regulated air pollutants or greenhouse gases during operation.

⁶ United States Environmental Protection Agency (EPA) Greenhouse Gases Equivalencies Calculator – Calculator and References, available at <http://www.epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references>

Water Quality

The proposed project is not within a DEEP-designated Aquifer Protection Area. The site is located within the Federal Emergency Management Agency-designated unshaded Zone X, an area outside of the 100-year and 500-year flood zones.

Stormwater

Pursuant to CGS Section 22a-430b, DEEP retains final jurisdiction over stormwater management and administers permit programs to regulate stormwater pollution. DEEP regulations and guidelines set forth standards for erosion and sedimentation control, stormwater pollution control and best engineering practices.⁷ The DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (General Permit) requires implementation of a Stormwater Pollution Control Plan to prevent the movement of sediments off construction sites into nearby water bodies and to address the impacts of stormwater discharges from a project after construction is complete. The General Permit authorizes the discharge of stormwater at a site with a total disturbance of one or more acres of land area. A DEEP-issued General Permit for stormwater management is required prior to commencement of construction. The Petitioner has applied for a General Permit.

Grading would be limited to the installation areas for the stormwater management basins and swales. Otherwise, the existing grades would be maintained throughout the project site. Construction of the project would result in approximately 1,474 cubic yards of net cut material. Such excess material would be used on-site to fill in areas where grubbing occurred.

Decommissioning Plan

A Decommissioning Plan has provisions for project removal after a useful life of at least 25 years. Following the removal of project related equipment, the site would be restored and if any soils are compacted at levels that would affect successful re-vegetation, they would be de-compacted. The method used to de-compact (e.g. aeration, tilling, etc.) would depend on how compacted the soil has become over the life of the project.

Conclusion

The project is a grid-side distributed resource with a capacity of not more than sixty-five megawatts, meets air and water quality standards of the DEEP, and would not have a substantial adverse environmental effect. The proposed project will not produce air emissions, will not utilize water to produce electricity, was designed to minimize environmental impacts, and furthers the State's energy policy by developing and utilizing renewable energy resources and distributed energy resources. Furthermore, the project would further the state's VNM program.

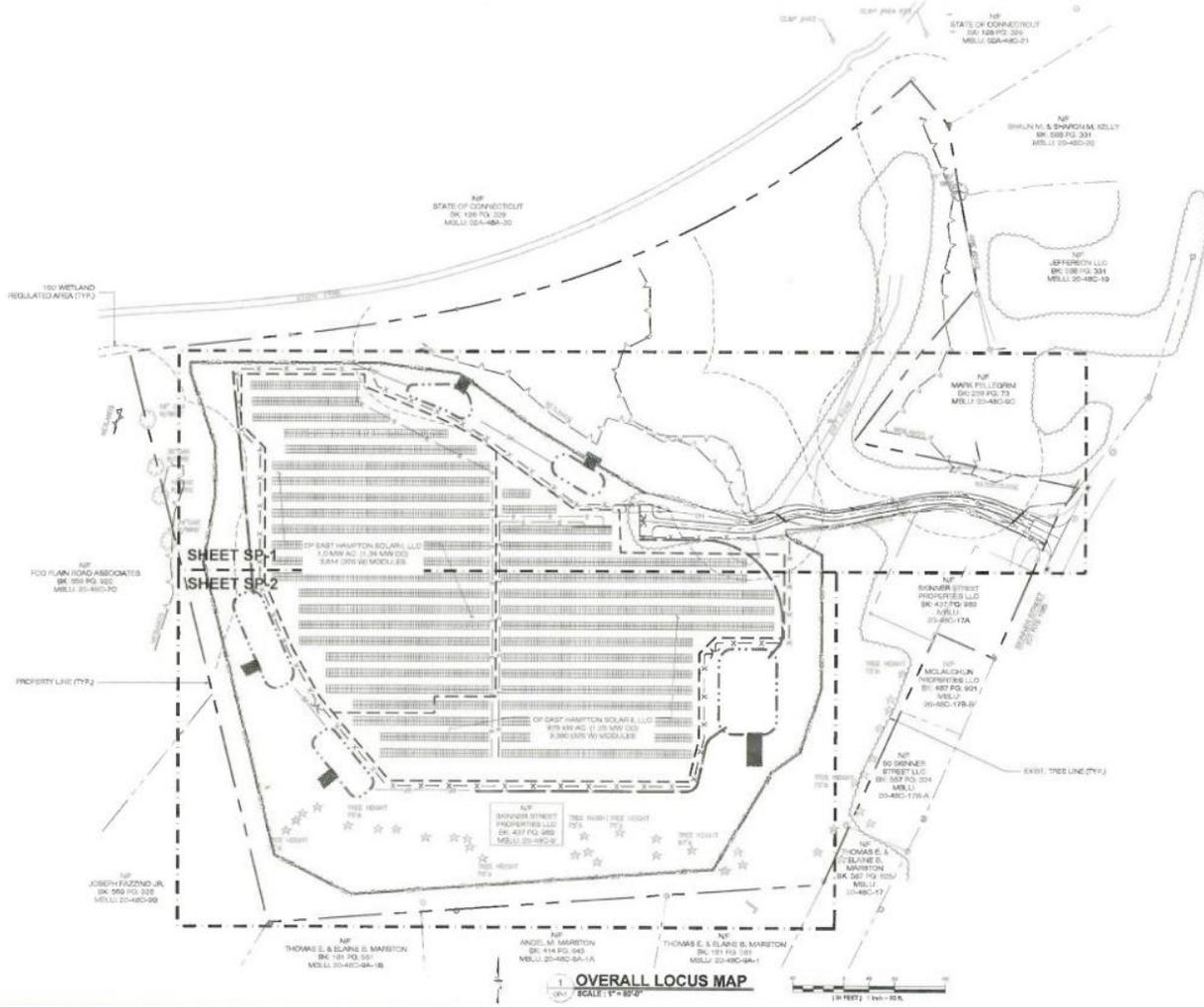
Recommendations

If approved, staff recommends inclusion of the following conditions:

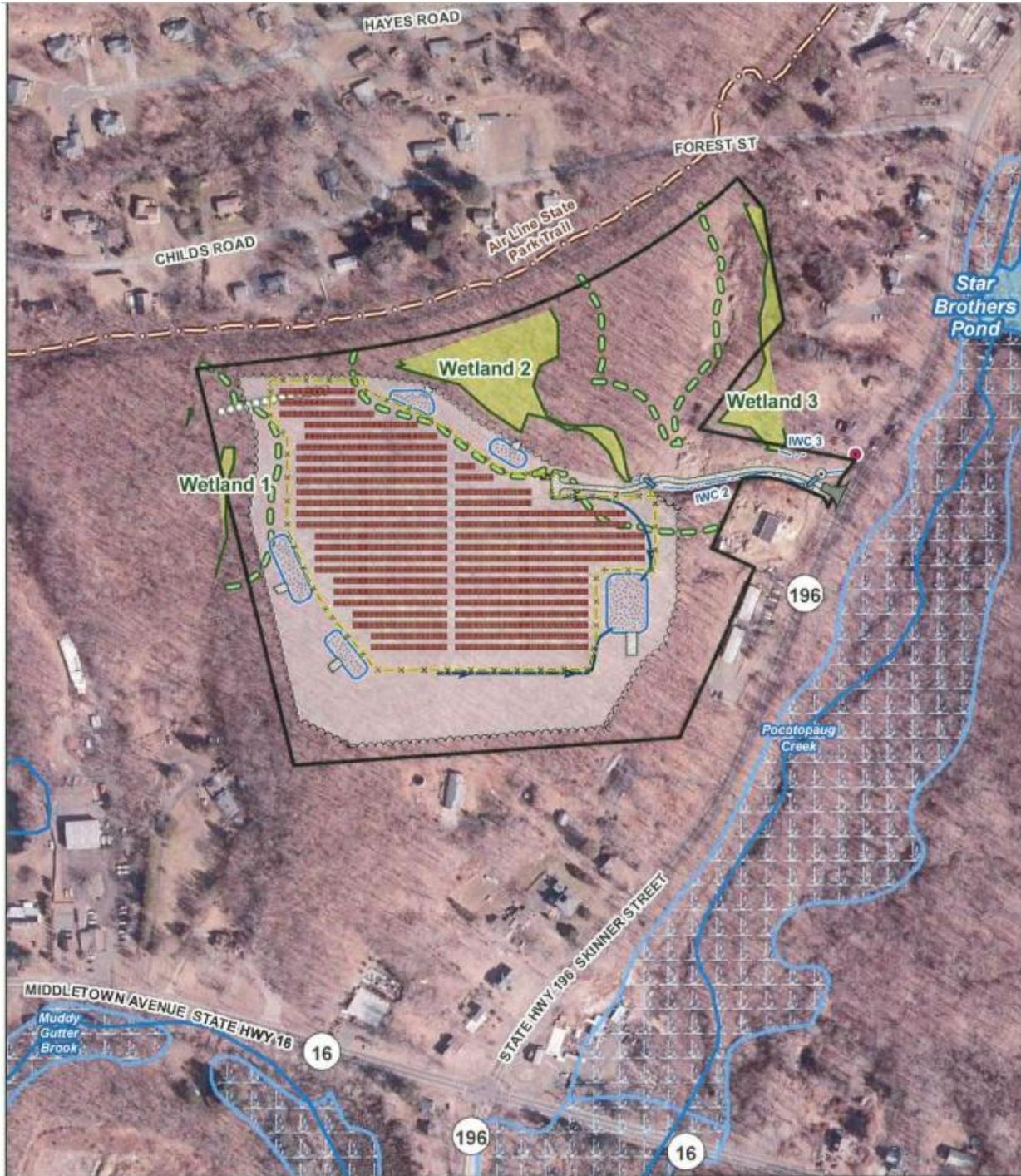
1. Approval of any minor project changes be delegated to Council Staff;
2. Submission of the FAA determination for Solar Panel Point 2; and
3. Prior to the commencement of construction, submission of a copy of a DEEP-approved Stormwater Pollution Control Plan and a DEEP General Permit.

⁷ General Permit, DEEP-WPED-GP-015 (October 1, 2019), available at <https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Construction-Stormwater-GP>

Proposed Site Layout



Aerial Site Plan



**Figure 4
 Proposed Conditions Map**
 Proposed Solar Facility
 46 Skinner Street
 East Hampton, CT

Legend

Site	Hardbottom Crossing	Solar Modules	Treeline Clearing Limit
Limit of Disturbance	Culvert	Pavement	Perimeter Fence
Hiking Trail	Delineated Wetland Boundary	Concrete Pad	Stormwater Swale
Stonewall	Delineated Wetland Area	Gravel	Stormwater 24" RCP
Delineated Watercourse	100ft Upland Review Area	Stormwater Basin	
Watercourse (CTDEEP)	Wetlands (CTDEEP)		

Map Notes:
 Base Map Source: CTECO 2019 Aerial Photograph
 Map Scale: 1 inch = 300 feet
 Map Date: February 2020

300 150 0 150 300 Feet



ATTACHMENT A

CEQ Comments to Council, dated March 25, 2020



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

Susan D. Merrow
Chair

Keith Ainsworth

Alicea Charamut

David Kalafa

Lee E. Dunbar

Alison Hilding

Kip Kolesinskas

Matthew Reiser

Charles Vidich

Peter Hearn
Executive Director

March 25, 2020

Melanie Bachman, Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: PETITION NO. 1396 - CP East Hampton Solar I, LLC and CP East Hampton Solar II, 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 1.0-megawatt AC solar photovoltaic electric generating facility and a 0.975-megawatt AC solar photovoltaic electric generating facility on an approximately 27 acre parcel located generally west of Skinner Street (Route 196) and south of Forest Street in East Hampton, Connecticut and associated electrical interconnection.

Dear Ms. Bachman:

The Council on Environmental Quality ("the Council") supports the development on clean, renewable energy technologies on appropriate sites in Connecticut and offers the following comments with regard to Petition No. 1396 (Petition).

1. Stormwater Runoff

The Council recommends that pre-development drainage patterns be maintained to the greatest extent feasible to maintain flows to existing wetland and watercourse areas. The steep slopes and potential runoff from the proposed gravel access road to Route 196 and Pocotopaug Creek need to be considered. The proposed site contains slopes that approach fifteen percent grade, especially from the center of the site to the east and southeast. Slopes of this extreme are specifically identified as needing special attention in [Appendix I](#) of the Department of Energy and Environmental Protection's (DEEP) "Draft General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities". Given the topography of the site, the design recommendations of the Draft Permit should be incorporated into the Storm Water Pollution Control Plan for the site. These include: construction phasing (Section 5 (b)(1)(B)(iii)), maintaining 100 foot wetland buffers, slope dependent height and distance requirements for the panels, and the incorporation of level spreaders where appropriate.

2. Inland Wetlands and Vernal Pools

The proposed site contains three distinct areas of inland wetlands. The Petitioner noted that there was "a lack of evidence of seasonally flooded areas observed" on the date of the wetlands identification (November 21, 2019) and concluded that "it does not appear

that any potential vernal pool breeding habitat exists on the Site". However, the Petitioner acknowledges that "the Wetland investigation was completed outside a period of breeding activity by vernal pool indicator species, so no formal vernal pool survey was conducted." The Council recommends that the Petitioner undertake a field survey to identify any potential "breeding activity by vernal pool indicator species" and the presence of any endangered, threatened or state-listed species of special concern, other than those already identified through the Natural Diversity Database (NDDDB) mapping. As stated in the NDDDB letter dated November 20, 2019, "this information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the Data Base should not be substitutes for on-site surveys required for environmental assessments."

Thank you for your consideration of these comments. Please do not hesitate to contact the Council if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Peter Hearn". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Peter Hearn
Executive Director