



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](mailto:siting.council@ct.gov)

Web Site: [www.ct.gov/csc](http://www.ct.gov/csc)

**VIA ELECTRONIC MAIL**

April 28, 2020

TO: Parties and Intervenors

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1397** - Constitution Solar, 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 20-megawatt AC solar photovoltaic electric generating facility on approximately 149 acres comprised of four separate parcels located off of Cornell Road in Plainfield, Connecticut and associated electrical interconnection.

---

Comments have been received from the Connecticut Department of Energy and Environmental Protection, dated April 24, 2020. A copy of the comments is attached for your review.

MB/RDM/lm

c: Council Members

April 24, 2020

Connecticut Siting Council  
10 Franklin Square  
New Britain, Connecticut 06051

RE: 20-MW Solar Photo-voltaic Generating Facility  
Constitution Solar, LLC  
Plainfield, Connecticut  
Petition No. 1397

Dear Members of the Connecticut Siting Council:

Staff of this department have reviewed the above-referenced petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need will be required for the construction of a 20-MW photo-voltaic generating facility occupying approximately 80 acres of a 149-acre property in the northwestern portion of Plainfield. A field review of the site was conducted on April 14, 2020. Based on these efforts, the following comments are offered to the Council for your consideration in this proceeding.

The Constitution Solar project was submitted to DEEP in response to DEEP's 2016 Small Scale Clean Energy RFP and was ultimately among the projects selected by DEEP as a result of that RFP. [Note: The statement on page 13 of the Petition that this project was selected in the Tri-State RFP of Connecticut, Rhode Island and Massachusetts is incorrect, as is a similar reference on page 1 of Exhibit D.]

This and subsequent renewable energy RFPs represent an important step forward in the implementation of Connecticut's vision for a more affordable, cleaner, and more reliable energy future for the ratepayers of Connecticut. Bringing more grid-scale renewable energy projects on line is instrumental in furthering this vision as these resources help diversify the regional fuel mix, assist the state in meeting its requirement to purchase Renewable Energy Certificates from Class I renewable sources associated with 20% of its electricity by 2020, and in implementing Governor Lamont's Executive Order No. 3 that DEEP investigate pathways to achieve a 100% zero-carbon electric sector by 2040. Developing grid-scale renewables is also imperative to the state's success in achieving its goal of reducing carbon emissions by 45% below 2001 levels by 2030 and by 80% below 2001 levels by 2050.

#### Project Site Description

The project site, located at the northern end of Cornell Road, consists mostly of agricultural land of gentle to moderate slope, used either to raise corn or as hayed grassland. A smaller portion of the project site, mostly in the northeastern corner of the property, is wooded and

also possesses a gentle, undulating slope. Several small, westward-flowing watercourses, mostly, if not all, intermittent, flow across the project footprint area of the property.

As the DEEP site visit was conducted on April 14, one day after a very substantial rainfall event, the project site was undoubtedly wetter than normal and the small watercourses were carrying atypically large flows.

The southern cornfield, which is the only portion of what the Petition refers to as the southern parcel that is slated for development, approximates flat along the eastern one-third to one half, the portion closer to Cornell Road, then increases in slope as one moves westward. The northern portion of this field increases in slope more gradually than the southern portion does, but no portion of this field evidences slopes that would be problematic from a stormwater or erosion perspective. However, the western edge of this southern cornfield transitions virtually immediately into wetland as one leaves the cornfield, making proper siting and design of stormwater collection basins critically important.

Two attempts were made during the DEEP field visit to access vernal pool 01. Due to the water levels in wetland 01 and the location of vernal pool 01 well into the interior of this wetland, these attempts were not successful. This effort did reveal that, given proper sediment controls being in place, VP01 is well removed and should be well protected from impacts of the construction of the southern parcel component of the solar farm.

The southern hayfield, which is the southernmost section of the northern parcel of the property, has a very well established vegetative cover. This field slopes westward toward the Quinebaug River at gentle to moderate slopes. Virtually all of this field provided very wet footing on the day of the DEEP visit. The large, linear wetland 07 is a conspicuous feature of this field and transitions into watercourse 09 as it leaves the hayfield.

Vernal pool 02 (VP02) is a long, linear pool off the southwestern end of the southern hayfield. On the day of the DEEP visit, there was a very significant outflow from it into a well-defined channel leading eventually to another probable vernal pool aligned parallel to the Quinebaug River and just east of a well established dirt bike trail along the bank of the river. This latter pool had no outlet or outflow despite a significant inflow. Both VP02 and 'VP03' (nomenclature unique to these comments) are well buffered from any activities or disturbance at the solar site. [It is entirely possible that VP03 is not mentioned in the Petition because it may be just off the property and therefore out of the study area.] The Quinebaug River was about a foot over its banks during the site visit and appeared to be still rising during the course of the visit.

The northern hayfield has gentle to moderate slopes, well established vegetative cover and is situated higher above the Quinebaug River than the southern hayfield. Very steep banks descend approximately 35' from the northern hayfield to the Quinebaug River, in contrast to banks of 15-20' at the southern hayfield and 5' at 'VP03'. This steep bank is forested mainly with hemlock.

Dirt bike trails are well established over the entire property. The dirt bike trail from the northern hayfield to the northern cornfield has a steep descent from the former, crosses a watercourse and makes a steep ascent to the western edge of the northern cornfield. Minor erosion is evident along both steep sections of this segment of the dirt bike trail. The dirt bike trail crosses this watercourse just downstream of the confluence of three smaller watercourses.

The northern cornfield is very expansive and is relatively flat. Two dirt bike trails, one beginning from the northwest corner of this field and one from midway along the northern edge, leave the cornfield and continue into the Quinebaug Wildlife Management Area which abuts the cornfield to the north. At least the latter of these two trails connects into the road network of the Wildlife Management Area. Though the soils of the northern cornfield are not well secured by vegetation, the very gentle to flat slope of this area will make stormwater management straightforward, especially after vegetative cover is established.

The final sector of the solar farm's footprint is a section of forest east of the northern cornfield. Slopes in this wooded area are best described as gently undulating. This forest is a mixture of species and sizes. Hemlock, red oak, red maple, beech and white pine are the dominant species, though there is an even-aged stand of almost purely black birch, 6"-8" dbh, in the central portion of this wooded area. Trunks of a couple dozen of these black birch were used to create a 6' x 6' x 3'tall timber crib of very recent origin and used as a repository for cans and bottles. This birch stand extends both north and south of wetland 09. Overall, most of the trees in this wooded portion of the site are less than 8" dbh but there are some, chiefly white pine, that are up to 36" dbh. Wetland 09, on the day of the DEEP site visit which was, as mentioned, the day after a significant precipitation event, drained via visible flow about 75' into the cornfield before flow disappeared into the soil. A dirt bike and an ATV were transiting the cornfield out and back as the field review was wrapping up.

Upon exiting the northern cornfield into the adjacent hayfield, two separate small, assumedly intermittent, watercourses were crossed just before leaving the cornfield. One final flowage crossed the access road to these two northern fields just north of the last house on Cornell Road.

#### Construction Stormwater Management

Construction projects involving five or more acres of land disturbance require either an individual NPDES discharge permit from DEEP or they may register for coverage under the Department's General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (DEEP-WPED-GP-015). As mentioned in the Petition, representatives of Constitution Solar have met with DEEP Stormwater Program staff on several occasions. To date, no registration under the General Permit has been received.

Two stormwater guidance documents are attached to these comments. The petitioner would be aware of these guidance documents from the previous DEEP comments on the Quinebaug Solar project in Petition No. 1310A.

Also as mentioned in DEEP's comments on Petition No. 1310-A, Constitution Solar should also be aware that, prior to initiating the construction of any engineered stormwater control measures, any proposed measures must be evaluated to determine if they may qualify as dams as defined by the Regulations of Connecticut State Agencies Sec. 22a-409-1(10), which may require a Dam Safety Construction Permit. A determination on the need for this permit may be requested by contacting the DEEP Dam Safety Program at [DEEP.DamSafety@ct.gov](mailto:DEEP.DamSafety@ct.gov).

#### Natural Diversity Data Base

Staff of the DEEP Natural Diversity Data Base program and representatives of Tetra Tech are continuing to exchange information in pursuit of a final determination letter for the Constitution Solar project. The principal remaining issues concern the qualifications of the botanists who performed the surveys at the project site, assurances of the preservation of an unaltered 100' buffer for vernal pool 02, and the need for ongoing monitoring for the presence of eastern spadefoot toad at the site, even after construction of the facility. Other issues of documentation of some procedures and findings of the Tetra Tech surveys also remain to be provided.

#### Miscellaneous Petition Commentary

The Petition does not contain much detail on the interconnection from the Constitution Solar Farm to the Fry Brook Substation. The Petition indicates that the corridor of the existing distribution lines will be used but does not state if the existing utility poles will be used or if new poles will need to be installed. The Petition also does not give the length of the interconnection line, its routing after leaving Cornell Road, nor the location of the Fry Brook Substation.

Neither the discussion in the Petition nor the details on Sheet C-029 of Exhibit F depicting the chain link perimeter fence indicate the inclusion of a 6" gap between the ground and the bottom of the chain link fence to accommodate access by small wildlife to the 80 acres of habitat inside the perimeter fence. DEEP recommends the inclusion of such a provision in the final design for the facility. This would not need to apply to the switchyard security fence.

The provision of 100' buffers around all wetlands and vernal pools, with the exception of currently active agricultural land crossed by the access road, which would have 50' buffers, is reasonable and acceptable, particularly given the slopes at the site.

The Petition states in several areas that the use of existing farm roads at the site will be maximized in the design of the solar farm. Though two photos in the Petition show passages between adjacent fields and label these passages as farm roads, the site has no existing farm road network to speak of. Paths used by farm equipment are visible, chiefly along the margins of the northern cornfield, but no actual roads exist. Nevertheless, the alignment depicted for the access road as shown on sheet C-014 of Exhibit F is reasonable and does not present any significant impacts in its construction or use.

The Petition references 1,062' of vegetative screening to be planted along Cornell Road. A commitment is made to monitor the success of these plantings for one year and replace any trees as necessary. DEEP recommends that this replacement commitment be extended through the

second growing season following planting as transplanted trees, and particularly the cedars proposed in the Petition, may not evidence distress until the second growing season following planting.

The development of the Constitution Solar Farm as proposed in this Petition should not impact DEEP's adjacent Quinebaug Wildlife Management Area with the caveat that we assume no clearing would be done on DEEP property either for actual panels, the access road, or for avoiding shade impacts on the solar panels.

DEEP defers to the Department of Agriculture as to the merits of the Farmland Soil Mitigation Plan outlined in Exhibit D.

The extensive and well used dirt bike trail network mentioned at several points in these comments will be either displaced by the solar facility or crossed by its perimeter fencing at numerous points on the property. As such, the current level of dirt bike activity can be expected to be greatly reduced, if not eliminated, following the construction of the Constitution Solar Farm. However, Constitution Solar should take this activity into account when designing the facility to ensure that any unauthorized replacement trails will not impact its facility or operations.

Thank you for the opportunity to review this petition and to submit these comments to the Council. Should you, other Council members or Council staff have any questions, please feel free to contact me at (860) 424-4110 or at [frederick.riese@ct.gov](mailto:frederick.riese@ct.gov).

Respectfully yours,



Frederick L. Riese  
Senior Environmental Analyst

Attachments: (2)  
cc: Commissioner Katie Dykes

**GUIDANCE REGARDING SOLAR ARRAYS  
AND THE GENERAL PERMIT FOR THE  
DISCHARGE OF STORMWATER AND DEWATERING WASTEWATERS FROM CONSTRUCTION  
ACTIVITIES**

**January 6, 2020**

Solar development has expanded over the last several years as Connecticut and other states have invested in this important resource to further greenhouse gas emission reductions. The large amount of impervious surface inherent in the construction of a large-scale solar arrays is unlike most other construction activities regulated under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (“general permit”) and entails challenges not encountered in traditional development projects. If not properly managed through appropriate design and mitigation measures, stormwater discharged during and after the construction of solar arrays can be a significant source of pollution resulting from increased runoff, erosion, and sedimentation, which can adversely impact wetlands or other natural resources. Solar installations must be properly designed to assure soil stabilization, minimize soil disturbance and soil compaction. This includes ensuring that effective controls are put in place to manage the total runoff volume and velocity that can lead to the loss of topsoil, erosion and sediment discharges from disturbed areas and stormwater outlets, and erosion along downstream channels and streambanks. The ability to address such significant environmental problems during construction and post-construction becomes more difficult as site imperviousness increases.

The environmental objectives of the general permit that solar facilities must meet have not changed. What has changed are the design assumptions and application of stormwater management techniques and engineering principles and practices to meet those requirements, as well as the Department’s knowledge and experience with respect to the ability of different techniques and engineering practices to meet the underlying environmental requirements. The Department is obligated to apply its best understanding of management techniques and engineering practices and principles. At the same time, the Department strives to provide more predictability and transparency around its approaches to permitting solar facilities in order to promote environmental compliance and competitive solar development in the state.

To that end, DEEP is publishing this Guidance, available at [www.ct.gov/deep/stormwater](http://www.ct.gov/deep/stormwater) to assist the professionals engaged in designing and constructing solar array projects, both large and small, and to provide a more transparent understanding of how the Department is considering emerging issues and the manner of addressing them. The Guidance describes the Department’s expectations around how such professionals may ensure that any such project is designed and constructed in a manner that takes into account site conditions such as: the amount, frequency, intensity and duration of precipitation; soil types, topography, surficial geology, hydrology and natural resources; and any changes to such conditions resulting from site activities during and after construction to minimize erosion and sedimentation and to control stormwater discharges, including peak flowrates and total stormwater runoff volume and velocity. This guidance should also help facilitate the preparation and efficient review of a Stormwater Pollution Control Plan (Plan) submitted in support of an application for coverage under the general permit.

This guidance should not be confused with, and is not intended to contain, enforceable requirements. A professional may propose to design and construct a solar array in another manner. A design professional may decide, based on the particular conditions for a project or a site that the best technique or engineering practice is to deviate from this guidance. The Department is open to considering alternative approaches. To be approved, however, any proposal must address the issues noted in this Guidance as well as demonstrate compliance with the requirements of the general

permit. This guidance is provided for informational purposes only and is not meant to modify or replace any provision of the general permit or any applicable laws or regulation. In the event of a conflict between this guidance and the general permit or any applicable law or regulation, the permit or applicable law or regulation shall govern.

The Department notes that it has separately initiated a public comment process on the proposed Construction General Permit, which includes similar provisions described in this guidance. The final adoption of a new Construction General Permit will negate the need for this Guidance. Any questions about the applicability of this Guidance may be directed to Karen Allen at Karen.Allen@ct.gov.

### **Design and construction guidance**

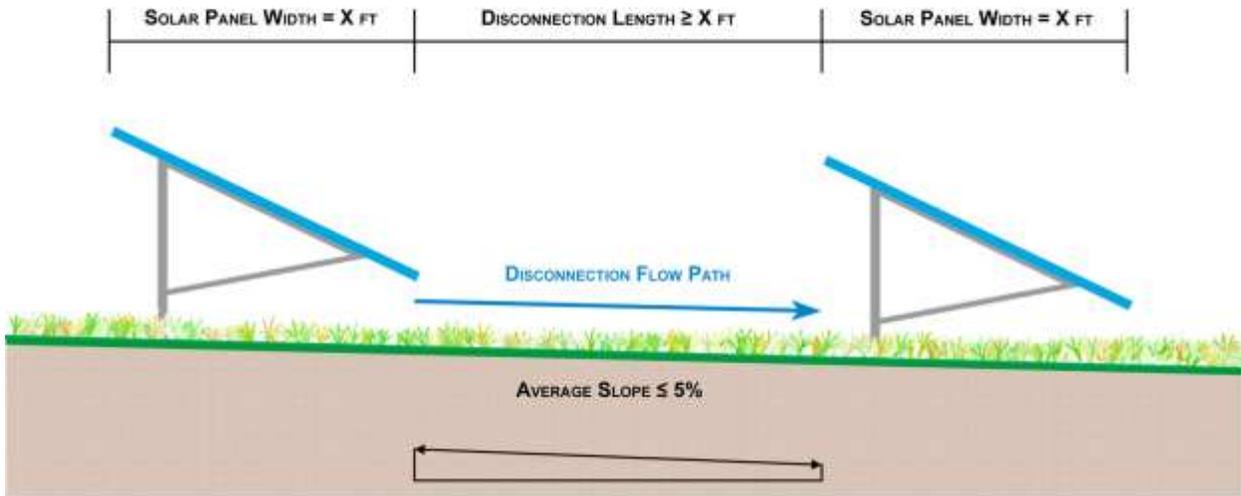
- (1) Roadways, gravel surfaces and transformer pads within the solar array are considered effective impervious cover for the purposes of calculating Water Quality Volume (WQV). In addition to these impervious surfaces, all solar panels in the array should also be considered effective impervious cover for the purposes of calculating the WQV if the proposed post-construction slopes at a site are equal to or greater than 15% or if the post-construction slopes at a site are less than 15% and the conditions in (a) – (e), inclusive, below have not been met:
  - (a) The vegetated area receiving runoff between rows of solar panels (see Figures 1 and 2, below) is equal to or greater than the average width of the row of solar panels draining to the vegetated area;
  - (b) Overall site conditions and solar panel configuration within the array are designed and constructed such that the runoff remains as sheet flow across the entire site;
  - (c) The following conditions are satisfied regarding the design of the post-construction slope of the site:
    - For slopes less than or equal to 5%, appropriate vegetation shall be established as indicated in Figure 1, below; and
    - for slopes greater than 5%, but less than 10%, practices including, but not limited to, the use of level spreaders, terraces or berms as described in Figure 2, below, shall be used to ensure long term sheet flow conditions; and
    - for sites with slopes greater than or equal to 8%, erosion control blankets or stump grindings or erosion control mix mulch or hydroseed with tackifier should be applied within 72 hours of final grading, or when a rainfall of 0.5 inches or greater is predicted within 24 hours, whichever time period is less; and
    - for slopes equal to or greater than 10% and less than 15%, the Plan includes specific engineered stormwater control measures with detailed specifications that are designed to provide permanent stabilization and non-erosive conveyance of runoff to the property line of the site or downgradient from the site.
  - (d) The solar panels should be designed and constructed in such a manner as to allow the growth of vegetation beneath and between the panels.
  - (e) A one-hundred (100) foot buffer should be maintained between any part of the solar array and any of the following: “wetland” as that term is defined in in Conn. Gen. Stat. § 22a-29, “wetlands” as defined in Conn. Gen. Stat. § 22a-38, or “waters” as defined in Conn. Gen. Stat. § 22a-423, which shall include vernal or intermittent waters. The buffer shall consist of undisturbed existing vegetation or native shrub plantings.
- (2) The lowest vertical clearance of the solar panels above the ground should not be greater than ten (10) feet. The panels should, however, be at an adequate height to support vegetative growth and maintenance beneath and between the panels. If the lowest vertical clearance of the solar panels above the ground is greater than ten (10) feet, non-vegetative control measures will be necessary to prevent/control erosion and scour along the drip line or otherwise provide energy dissipation from water running off the panels.

- (3) The Commissioner may require that a letter of credit be secured prior to undertaking construction activity, in circumstances where site conditions, scale of project or previous compliance issues present elevated risks associated with potential non-compliance. For previously permitted projects, the amount of the letter of credit has been established at \$15,000.00 per acre of disturbance. The wording of such letter of credit shall be as prescribed by the Commissioner. The Permittee should maintain such letter of credit in effect until the Commissioner notifies the permittee that the Notice of Termination, filed in compliance with Section 6 of the general permit has been accepted by the Commissioner.

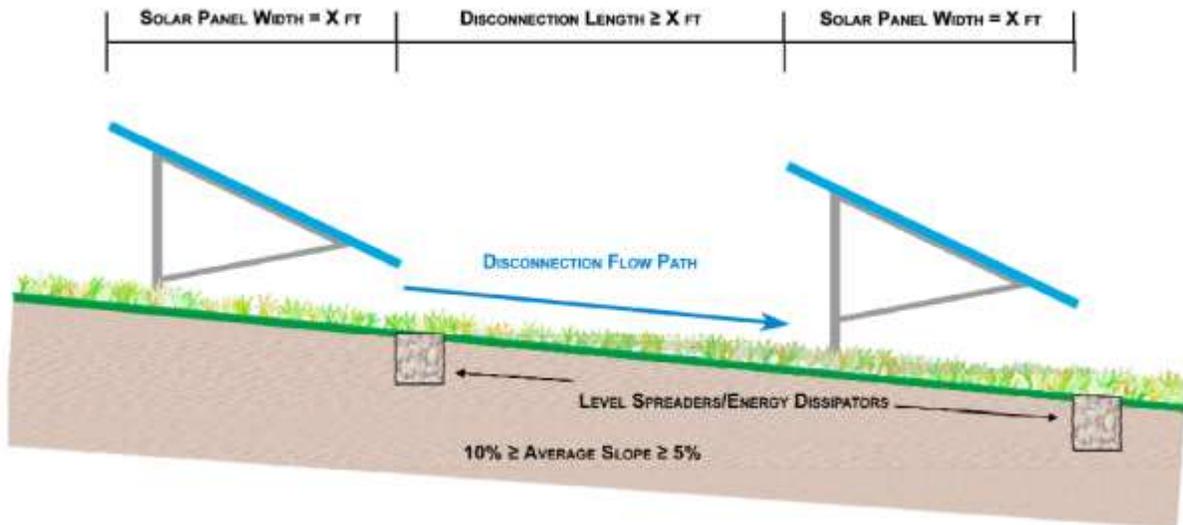
**Design requirements for post-construction stormwater management measures.**

- (1) Post-construction stormwater control measures should be designed and constructed to provide permanent stabilization and non-erosive conveyance of runoff to the property line of the site or downgradient from the site.
- (2) Orientation of panels should be considered with respect to drainage pattern, flow concentration, drainage area and velocity (i.e. rows perpendicular to the contours may result in higher runoff and flow concentration).
- (3) The permittee should conduct a hydrologic analysis that:
  - (a) Evaluates 2, 25, 50 and 100-year storm post-construction stormwater flows; and
  - (b) Is based on site specific soil mapping to confirm soil types; and
  - (c) Is able to determine and confirm the infiltrative capacity of any stormwater management measures and, in addition, reflects a reduction of the Hydrologic Soil Group present on-site by one (1) step (e.g. soils of HSG B shall be considered HSG C) to account for the compaction of soils that results from extensive machinery traffic over the course of the construction of the array; and
  - (d) Is based on slope gradient, surveyed soil type (adjusted per subparagraph (c), above), infiltration rate, length of slope, occurrence of bedrock, and change in drainage patterns (see also page 23 at [https://www.ct.gov/deep/lib/deep/Permits\\_and\\_Licenses/Land\\_Use\\_Permits/Inland\\_Water\\_Permits/IWRD\\_inst.pdf](https://www.ct.gov/deep/lib/deep/Permits_and_Licenses/Land_Use_Permits/Inland_Water_Permits/IWRD_inst.pdf)); and
  - (e) For an engineered stormwater management system, demonstrates no net increase in peak flows, erosive velocities or volumes, or adverse impacts to downstream properties.

**Figure 1**  
**Solar Panel Installation with Slopes  $\leq 5\%$**



**Figure 2**  
**Solar Panel Installation with Slopes  $> 5\%$  and  $\leq 10\%$**



Source: Maryland Department of the Environment: Stormwater Design Guidance – Solar Panel Installations

## **Stormwater Management at Solar Farm Construction Projects September 8, 2017**

Solar farms are on-the-ground installations of arrays of photovoltaic cell panels, supporting structures and related equipment for the production of electricity. As with other types of construction projects, the construction of solar farms can involve land clearing, grading, excavation, trenching, dewatering and similar activities that create land disturbances which potentially result in soil erosion and sediment discharges polluting wetlands, streams and other surface waters. Construction-related land disturbances of 0.5 acres or larger are regulated in Connecticut pursuant to the Connecticut Soil Erosion and Sediment Control Act under Sections 22a-325 to 22a-329, inclusive, of the Connecticut General Statutes (“CGS”). Construction-related land disturbances of one (1) acre or larger are also regulated under CGS Section 22a-430 and under Section 402(p) of the federal Clean Water Act and the National Pollutant Discharge Elimination System (“NPDES”) program. Prior to the start of such regulated activities, authorization is required from local authorities and, for larger projects, the Connecticut Department of Energy and Environmental Protection (“Department”). Construction projects involving five (5) or more acres of land disturbance require an individual NPDES discharge permit from the Department, or may be eligible to register for coverage under the Department’s NPDES General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (general permit).

The Department has encountered repeated problems associated with solar farm construction projects covered under the general permit, from the registration process through construction activities. Although in no way an exhaustive list, the following are common problems associated with solar farm general permit registration applications and ways to address such problems:

- Applicants have been submitting registration applications that lack the requisite information or the requirements necessary for authorization under the general permit. The Department requires a complete and sufficient application when a registration application is filed, and may reject any registration application it deems to be incomplete or insufficient.
- Applicants are not adhering to the sixty (60) day/ninety (90) day time frame for Department review as required by Section 3(c) of the general permit. While the Department has on occasion shortened the review timeframe, Applicants are expected to allocate no less than the requisite time frame for the registration application review process and must plan accordingly.
- Registration applications for solar farm projects often fail to identify the project’s contractor and sub-contractors. Section 5(b)(1)(viii) of the general permit mandates that this information be included in the registration application.
- Applicants have been repackaging the Siting Council submittal, which is not acceptable. Section 3(c)(2)(D) of the general permit mandates that the application submittal include only materials required to support the Stormwater Pollution Control Plan (“SWPCP”). This information must be up-to-date and accurate. Any superfluous information delays the registration application review process.
- SWPCPs for solar farm projects are often lacking sufficient detail and information. An approvable SWPCP shall include, but not be limited to, the location of all erosion, sediment and stormwater control measures including detailed design cut sheets with supporting calculations, construction means and methods, project phasing (i.e., site planning, pre-construction, construction, and post-construction stabilization, etc.), construction sequencing and a construction schedule.
- The Applicant’s design professional must be well-versed in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (“E&S Guidelines”), specifically the techniques found in Chapter 4, Large Construction Sites, the 2004 Connecticut Stormwater Quality Manual, as well as *current* best management practices (BMPs) recognized by the International Erosion Control Association (IECA), provided such BMPs are equal to or better than the E&S Guidelines.
- From the Department’s perspective, an approvable SWPCP will include methods for avoiding compaction of soils, disconnection and reduction of runoff associated with solar panel arrays, avoidance of concentration of stormwater, and other measures necessary to maintain or improve pre-construction hydrologic conditions.

- Applicants need to follow the SWPCP review checklist when preparing the SWPCP, giving specific attention to post-construction stormwater controls and the development of a detailed long-term maintenance plan to ensure that the SWPCP meets the terms and conditions of the general permit.

Subsequent to authorization for coverage under the general permit, the Registrant is responsible for ensuring compliance with all terms and conditions of the general permit and the approved SWPCP once construction has been initiated. However, for solar farm projects, Registrants often fail to comply with the terms and conditions of the general permit, including the approved SWPCP. In particular, Department staff have observed the following issues that a routine inspection protocol and proper oversight, as required under the general permit, would have prevented, including but not limited to:

- pre-construction site planning and management deficiencies (e.g., existing vegetation, scheduling, training, phasing/sequencing, tree protection, etc.)
- ineffective placement, maintenance, and/or repair of administrative/procedural, vegetative, and structural BMPs (e.g., erosion, sediment and stormwater runoff controls, good housekeeping, materials management, and training)
- lack of thorough inspections
- ineffective or untimely corrective action
- ineffective stabilization practices
- ineffective permanent post-construction controls (i.e., store, treat and direct storm-water quality and quantity to pre-construction levels)

Such issues at solar farm construction projects raise concerns, since such projects often create areas of land disruption larger than the generally accepted BMPs of five (5) acres anticipated under the general permit. As a result, any applicant seeking coverage under the general permit for a solar farm construction project should take care to address the issues noted above. While by no means exclusive, some recommendations that should be incorporated into a SWPCP to address these issues include:

- Ensuring that only a Professional Engineer and/or Landscape Architect, as defined in Section 2 of the general permit, who meets the qualifications described in Section 5(b)(4)(A)(ii) and who has been approved in writing by the Commissioner, serve as the Commissioner’s agent to inspect the site and also serve as the qualified inspector for the purposes of Section 5(b)(4) of the general permit (“authorized professional”). Such authorized professional must remain in good standing with the Connecticut Department of Consumer Protection and be technically and ethically qualified to inspect the site and be retained for the duration of the construction project until the Notice of Termination acceptable to the Commissioner has been filed as described below.
- Ensuring that the authorized professional prepare a proposed inspection checklist to assure the construction project is being conducted in compliance with the terms and conditions of the general permit, and the approved SWPCP is implemented in accordance with the general permit. The inspection checklist shall comply with Section 5(b)(4)(B)(iii) of the general permit, and include a space for the authorized professional’s signature and professional stamp.
- Ensuring that the credentials for the authorized professional proposed by the Applicant and the proposed inspection checklist prepared by such authorized professional be submitted for the review and approval of the Commissioner and be included with the registration application for the general permit. No other professional may serve as the authorized professional without the prior submittal of relevant credentials and inspection checklist for the Commissioner’s review and written approval.

- Ensuring that the authorized professional personally perform all pre-construction, construction, and post-construction site inspections; perform inspections at the end of any storm event whether or not such storm generates a discharge; and prepare and submit all inspection reports including the supporting inspection checklists in compliance with Sections 5(b)(4)(A) and 5(b)(4)(B) of the general permit.
- Ensuring that the authorized professional report any violations of the terms and conditions of the general permit or the SWPCP to the Commissioner's designee within two (2) hours of becoming aware of such violation, or at the start of the next business day of becoming aware of such violation outside normal business hours and shall, within five (5) days, prepare and submit a signed and stamped written report, which documents the cause of the violation, duration including dates and times, and corrective action taken or planned to prevent future occurrences.
- Ensuring that if circumstances necessitate a revision to the SWPCP, the authorized professional works with the Permittee's design professional to ensure compliance with the terms and conditions of the general permit, and any such change to the SWPCP shall be submitted for the review and written approval of the Commissioner.
- Ensure that the authorized professional reviews all stormwater monitoring reports to evaluate the effectiveness of the SWPCP and to document any adverse impacts that any stormwater controls on the construction site or discharges from the construction site may have on wetlands, streams, any other receiving waterbodies. Such evaluation shall be documented in the inspection reports and inspection checklists performed pursuant to Section 5(b)(4) of the general permit.
- Ensuring that, in the event the authorized professional identifies a violation of the terms and conditions of the general permit, the SWPCP, or otherwise identifies adverse impacts on wetlands, streams or any other receiving waterbodies, that construction activity shall immediately cease and the site stabilized until such violation or adverse impacts have been corrected.
- Ensuring that reporting and record-keeping of all inspection checklists and inspection reports comply with the requirements of Section 5(d) of the general permit, except that a copy shall also be submitted electronically to the Department within ten (10) days from the date of such inspection was performed.
- Ensuring that all inspection checklists and inspection reports comply with the requirements for Certification of Documents in Section 5(i) of the general permit, including the requirement that such checklists and reports shall also be prepared, stamped and signed by the authorized professional.
- After completion of a construction project, ensuring that a Notice of Termination is filed in compliance with Section 6 of the general permit, including the requirement that such Notice of Termination be stamped and signed by the authorized professional certifying that such authorized professional has personally inspected and verified that the site has been stabilized following the first full growing season (i.e., April through October) in the year following completion of the construction project.
- Ensuring that any transfer of the registration comply with the requirements of Section 5(m) of the general permit.

These recommendations are by no means intended to be exclusive. To help address the issues noted above, the Commissioner will also be considering the posting of a performance bond or

other security, in accordance with Section 22a-6(a)(7) of the Connecticut General Statutes, to assure the solar farm construction project maintains compliance with the terms and conditions of the general permit and the SWPCP.