



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

May 20, 2020

TO: Parties and Intervenors

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1401** - Revity Energy, 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 12.25-megawatt AC solar photovoltaic electric generating facility on approximately 74.9 acres located at 424 Snake Meadow Road, Plainfield, Connecticut and 0 Valley Road, Sterling, Connecticut, and associated electrical interconnection to Eversource Energy's Fry Brook Substation.

Comments have been received from the Connecticut Department of Energy and Environmental Protection, dated May 15, 2020. A copy of the comments is attached for your review.

MB/MP/lm

c: Council Members



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May 15, 2020

Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

RE: 12.25-MW Solar Photo-voltaic Generating Facility
Revity Energy, LLC
Plainfield and Sterling, Connecticut
Petition No. 1401

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 12.25-MW photo-voltaic generating facility occupying approximately 58.5 acres of land at 424 Snake Meadow Road in Plainfield, with a small portion of the facility in Sterling. A field review of the site was conducted on May 7, 2020. Based on these efforts, the following comments are offered to the Council for your consideration in this proceeding.

While the Snake Meadow Solar project was not developed pursuant to an RFP solicitation made by DEEP, its construction would nevertheless aid in the achievement 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 is located in the northeast corner of Plainfield, just east of Snake Meadow Road and Snake Meadow Brook, and overlapping into a small adjacent area of northwestern Sterling. The site consists of a mixture of two large areas cleared and excavated for sand and gravel removal, and an intervening wooded parcel. The general slopes of the site vary from gentle to moderate. The existing access road is in excellent condition though there was ponding to a 6" depth at its lowest point adjacent to vernal pool 01 at the time of DEEP's May 7 site visit. Rip-rapped drainage channels run along both sides of the road as it ascends to the upper gravel extraction area.

After passing the site access gate just east of Snake Meadow Brook, there is a level excavated area which contains a large, sheet metal-sided 3-bay garage which is the only structure on the site. The sandy, sparse soil cover in this area supports pitch pine, the tallest of which are 10' tall, and shrub willow. Several piles of sand, gravel or mixed product are found east of the garage.

Farther east of the garage, at the edge of this lower cleared area, lies vernal pool 02 which contained sixteen egg masses and a few small tadpoles in its slightly over one foot of water depth. Water quality in vernal pool 02 appeared to be excellent.

Perhaps more impressive than vernal pool 02 was a smaller pool on the cleared sandy terrace just above the level area containing the garage and vernal pool 02. This pool, which perhaps might be classified as a decoy pool, contained innumerable small tadpoles, less than ½" in length, but so numerous as to make the water solid black in the central area of the pool. This pool measured approximately 10' by 25' with only 2" of water depth but it was fed by a hillside seep which replenishes its water volume.

As the Petition discussed for vernal pool 02, this smaller pool is also isolated from the nearest suitable supporting habitat for its emerging residents. The wooded areas in and adjacent to wetland 8 would probably be the nearest suitable habitat to this pool. One day's observation certainly does not establish the viability of this pool as suitable breeding pool habitat, but it was an impressively fecund site to behold on May 7 and may be worthy of preservation, along with the immediately adjacent hydrology which supports it. On a related note, while it may not be reasonable to provide a full 50' buffer around wetland 9, which contains vernal pool 02, given the disturbed nature of its surroundings, a mere 10' buffer as currently proposed would both provide precious little protection for this wetland and its vernal pool and would put these resources at greater risk from construction activities. A modest increase to at least a 25' buffer around wetland 9 should be provided to protect this habitat during the construction period and beyond.

The narrow channels along the farthest portion of the existing access road, which are labeled as wetlands 6 and 7 in the Petition, continue to the northeast beyond the segments shown in Figure 5 on page 29 of the Environmental Assessment, as they continue to ascent to higher ground in the upper gravel extraction area. The headwaters of the watercourse in the channel on the wetland 7 side of the road originate from an area of apparent wet meadow wetland, approximately 40' by 80'. The upper, undesignated segments of the roadside watercourses in the armored drainage channels are not noticeably different in character from the segments which are designed as wetlands 6 and 7, and the headwater area of the drainage ditch on the wetland 7 side of the road would appear to have the characteristics of a wet meadow wetland.

The extreme southeast corner of the developed footprint area of the project contains several areas of exposed bedrock. It is not clear from the maps of the array layout whether any photo-voltaic panels are contemplated in this area as there is a small area shown within the erosion and sedimentation control fence at this corner of the project for which panels are not planned, but it looks in the field as though some areas of exposed ledge may be within the array layout which

would make the installation of the pile-mounted racking system (as described on page 7) difficult to install in these areas.

As noted in the Petition, the nearest homes to the solar array would be on Valley View Road in Sterling, east of the project. Five homes are accessed via a common driveway off Valley View Road, with the homes at 163 and 165 Valley View Road being closest to the Snake Meadow solar farm. Ample screening will remain between these homes and the solar panels, though the vast majority of it is deciduous. Homes along the west side of Snake Meadow Road, while not as close to the solar farm as those on Valley View Road, are positioned to have a more direct view of the facility from distances of slightly over 1,000’.

Some level of dirt bike use is evident on the host property to the south of the upper gravel pit area, but it is relatively minor.

The two gravestones mentioned in the Petition sit up on a bank just north of the entrance to the project site after passing the existing gate. These stones are over 200 years old with dates of the deceased being 1796 and 1803. A third smaller stone does not contain any decipherable inscriptions and may simply be a footstone. Barring any unusual circumstances, it should be possible to protect these gravestones from any construction impacts.

The nearest DEEP property to the project is Old Furnace State Park which supports mainly hiking trails though it does also offer hunting, fishing and boating opportunities. It would not be impacted in any way by the construction of this solar farm. The Snake Meadow Club to the north of the host property operates a trap and skeet shooting range of the east side of Snake Meadow Road and a hunting club on the larger property to the west of Snake Meadow Road. The former site should not be affected by the construction and operation of the solar farm. The nature of the activities at the hunting club are not apparent enough to know if they might be impacted in any way such as perhaps the loss of some nearby habitat on the project site reducing game population densities at the club property.

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).

Two stormwater guidance documents are attached to these comments. The Petition notes the need for this permit and the petitioner participated in a pre-application meeting with DEEP staff where the registration procedure and issues connected to this permit were discussed. To date, no registration under the General Permit has been received.

Also as mentioned in previous DEEP’s comments, the petitioner 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.

Natural Diversity Data Base

The Petition is correct in the assertion, contained in footnote #11 on page 20 of the Environmental Assessment, that there is no requirement for Natural Diversity Data Base consultation on this project given that there are no known occurrences of any NDDB-listed species within 0.25 miles of the project site.

Miscellaneous Petition Commentary

DEEP recommends the incorporation into the facility design of a 6" gap between the bottom of the perimeter fence and the ground so as to accommodate access by small wildlife to the 58.5 acres of habitat inside the fence.

In the discussion of Project Benefits on page 10 of the Petition, the statement is made that the project will "provide three-phase power to a rural community that will enhance the probability of future local commercial development opportunities ...". In what way would the electricity generated at the Snake Meadow Solar Farm provide this benefit above and beyond electricity generated at other Connecticut facilities?

On page 34 of the Petition, tree clearing along the peripheral boundaries of wetland 2 is cited as necessary, with habitat enhancement measures planned as mitigation. Why is any tree clearing necessary around wetland 2 given the 440' separation between this wetland and the nearest construction-related activities cited on page 33 of the Environmental Assessment?

According to the discussion on page 42 of the Environmental Assessment, the clearing of trees on the site and their replacement with grasses will result in an increase in the time of concentration of the stormwater discharge. This seems highly unlikely. The accuracy of this statement should be confirmed with the applicant.

The wetland delineation field form for wetland 1 cites the vernal pool described as an old farm pond (VP04) as a 'classic' vernal pool. Rather, as mentioned on page 32 of the Petition, all four of the vernal pools on the site are cryptic vernal pools.

The Wetland and Vernal Pool Protection Plan described on page 40 of the Environmental Assessment and referred to a page earlier contains prudent provisions to protect herpetofauna at the site and to specify construction BMPs. However, it is pretty clearly stated as intended to protect the viability of the wetlands, vernal pools and their inhabitants 'during the construction period' rather than preserving their long-term viability. If the long-term viability of these resources is not protected, there is no value in protecting them during the construction period. Thus, preserving existing hydrology and providing adequate buffers must be considered for the long-term needs of these resources.

Petition No. 1401
Revity Energy LLC

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May 15, 2020

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.

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 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); 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 $\leq 5\%$

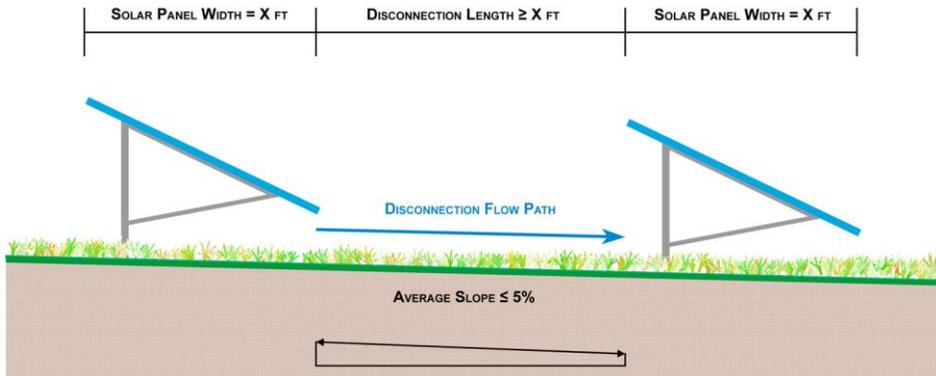
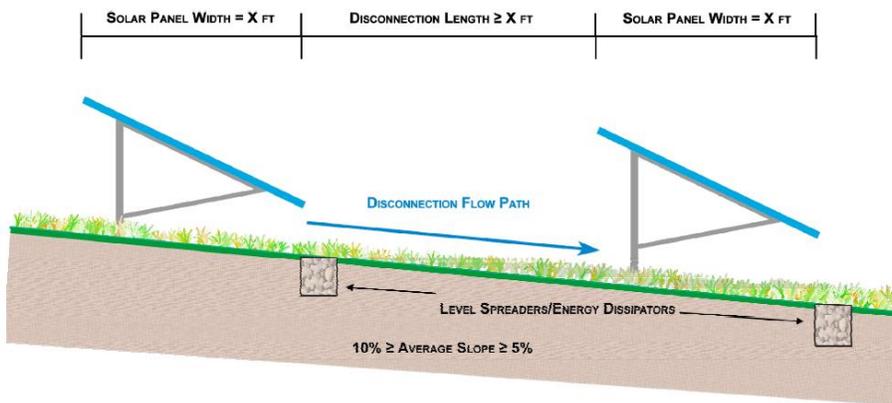


Figure 2
Solar Panel Installation with Slopes $> 5\%$ and $\leq 10\%$



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

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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.