



# COUNCIL ON ENVIRONMENTAL QUALITY

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Peter Hearn  
Executive Director

May 1, 2020

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

RE: PETITION NO. 1401 - Revity Energy, LLC petition for a declaratory ruling 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.

Dear Ms. Bachman:

The Council on Environmental Quality (“the Council”) supports the development of clean, renewable energy technologies on appropriate sites in Connecticut. The Council offers the following comments with regard to Petition No. 1401 (Petition):

## 1. Proposed Project Site

The Petitioner states that “no raw or hazardous materials or fuels will be delivered to or stored at the property”. In contradiction, the Petition contains within it a “Wetland and Vernal Pool Protection Plan” with provisions for “Petroleum and Hazardous Materials Storage and Refueling”. The Council recommends that any fuel storage or refueling, anywhere on the site, follow the guidance set out in the Wetland and Vernal Pool Protection Plan.

## 2. Stormwater and erosion controls

The Department of Energy and Environmental Protection (DEEP) has made a tentative determination to issue a modified “General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities” (“Draft Permit”). That Draft Permit includes a special section ([Appendix I](#)) which deals specifically with the unique challenge of erosion and control of stormwater at solar energy facilities. The Draft Permit represents the most current approach to controlling erosion at solar energy sites. The Council recommends that these guidelines be referenced and applied, where appropriate, at the proposed site.

### **3. Historic Resources**

The Petitioner stated that the State Historic Preservation Office recommended, in writing on March 15, 2019, that a Phase 1B professional cultural resources assessment and reconnaissance survey be completed for those areas that have a moderate/high archaeological sensitivity on the proposed site. The Petitioner further states that the Phase 1B survey is not complete and that it would be provided at a later date. The Council suggests that the lack of information regarding the potential presence of historic/archeological resources on the proposed site is a deficiency and should be corrected before work commences, if approved.

### **4. Forest and Farmland**

The Council commends the Petitioner for proposing to “immediately reclaim disturbed areas with the planting of native species, which would consist of a pollinator-friendly seed mix.

The proposed project is greater than two megawatts in capacity and was not accepted in response to a solicitation prior to July 1, 2017 from the Department of Energy and Environmental Protection (DEEP). The Petitioner is required, therefore, to provide written correspondence from the Department of Agriculture that the proposed project “will not materially affect the status of such land as prime farmland” and from DEEP that the proposed project “will not materially affect the status of such land as core forest”, consistent with Connecticut General Statutes Sec.16-50k(a). Though the Petitioner states that the proposed project will not impact Prime Farmland Soils, affirmation of that assertion is required from the Department of Agriculture. Likewise, the two (2) core forest blocks, totaling 172 acres could be significant and important to forest-dwelling birds, mammals and reptiles. The DEEP must make a determination that the project “will not materially affect the status of such land as core forest”.

### **5. Wildlife**

The Petitioner indicated that approximately 37 acres of trees will be removed for the proposed project. The proposed project schedule (Appendix C) identifies tree clearing during September and October to protect Northern Long Eared Bat (NLEB) and other bat species that may be seasonally present on the proposed project site, the Council recommends that, if approved, no tree clearing activities be allowed during bat roosting periods.

The Council suggests that an approximately six inch gap be maintained at the bottom of the proposed six foot tall security fence that would surround the proposed project to allow for migration of small wildlife, if consistent with safety requirements

The Petitioner has stated that potential adverse impacts to nearby vernal pool or wetland resources would be minimized if the Wetland and Vernal Pool Protection Plan (WVPPP) is properly implemented and maintained during construction activities. The Council commends the Petitioner for proposing to implement a “Wetland and Vernal Pool Protection Plan” and to utilize an independent environmental monitor to: 1) educate construction personnel on how to implement the WVPPP and 2) monitor the site for proper adherence to the WVPPP, Development and Management Plan, and the various permits that will be required if the proposed project is approved.

## 6. Wetlands

The Petitioner has identified nine wetland areas and four vernal pools at the proposed project site. The Council recommends that the Petitioner maintain a 100-foot buffer or setback from wetland resource areas where feasible. In addition, the Petitioner plans to perform "tree clearing" adjacent to some of the wetlands to minimize shading. The Council recommends that if there are any mature trees within the suggested 100-foot buffer or setback that require clearing for shading abatement only, that the stumps be left, where practical, to stabilize the soils and reduce possible erosion and sedimentation of the wetlands.

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 black ink that reads "Peter Hearn". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Peter Hearn  
Executive Director