



# COUNCIL ON ENVIRONMENTAL QUALITY

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Peter Hearn  
*Executive Director*

March 25, 2020

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

RE: PETITION NO. 1395 – Windham 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 three 1.0-megawatt (MW) solar photovoltaic electric generating facilities located at 31 Benz Street, Ansonia, Connecticut.

Dear Ms. Bachman:

The Council on Environmental Quality (“the Council”) supports the development of clean, renewable energy technologies on appropriate sites in Connecticut and offers the following comments with regard to Petition No. 1395 (Petition).

The Council’s concerns regarding Petition No. 1395 are: 1) management of stormwater at the site and 2) noise intrusion on residential the neighborhood.

## 1. 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 applied, where appropriate, at the Benz Street location.

Specifically, the erosion control techniques described in [Appendix I](#) of DEEP’s Draft Permit for the “Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities” should be incorporated into the SWPCP for the project. These include: 100 foot wetland buffers, slope dependent height and distance requirements for the panels, and the incorporation of level spreaders, as needed. Additionally, the construction phasing recommendations of the DEEP’s Draft Permit (Section 5 (b)(1)(B)(iii)) should be in the SWPCP. The same Petitioner had a solar project in Lebanon that was issued a “Cease and Desist Order” issued by DEEP on May 3, 2108 for stormwater violations associated with its construction. Petition 1395 does not include details regarding the proposed construction schedule other than that the construction

timeline from groundbreaking to full operation would take approximately five months. The Council recommends that the Petitioner provide additional specifics regarding the proposed project's construction, including a detailed timeline and identification of responsible parties who would ensure compliance with the current General Permit.

## **2. Disruptive noise**

Though solar energy facilities are thought of as quiet, in this location there are abutting residences. The proposed site would be considered a Class C (Industrial) noise emitter to Class A (Residential) receptors. As such, it is subject to noise standards of 55dBA during the daytime and 45dBA at night. Since there is no discussion of noise generated by the project's inverters, the Council recommends that the Petitioner demonstrate that the noise from the site's inverters would be in compliance with the State's applicable noise regulations.

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 is positioned above the typed name.

Peter Hearn  
Executive Director