



## STATE OF CONNECTICUT

# COUNCIL ON ENVIRONMENTAL QUALITY

July 26, 2023

Keith Ainsworth  
*Acting Chair*

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

Alicea Charamut

Christopher Donnelly

PETITION NO. 1533A - ReNew Developers, LLC (Petitioner) Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a customer-side 4.99-megawatt fuel cell facility and associated equipment to be located at 42 Old Amston Road, Colchester, Connecticut. Reopening of this Declaratory Ruling based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).

David Kalafa

Kip Kolesinskis

Dear Attorney Bachman,

Matthew Reiser

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1533A.

Denise Rodosevich

### 1.) Wetlands

Charles Vidich

The Petitioner states that “a modular block retaining wall is proposed in this corner of the Project Area to maximize the distance of all permanent components from the wetland boundary. During construction of the retaining wall, temporary impacts will occur in adjacent upland areas within approximately 1.5 feet of the wetland.” The Council recommends that the Petitioner utilize a minimum 100-foot buffer from the proposed facility equipment and fence to the identified wetlands located west of the proposed facility.

William Warzecha

### 2.) Wildlife

Paul Aresta  
*Executive Director*

The Petitioner notes that the Connecticut Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDB) identified two Special Concern Species proximate to the proposed site: wood turtle (*Glyptemys insculpta*) and spotted turtle (*Clemmys guttata*). Further, the NDDB identified certain protection measures to avoid incidental mortality and help ensure the continued conservation of these turtle species. The Council recommends that the proposed mitigation measures identified by the NDDB in their May 12, 2022, letter (Petition 1533) and April 11, 2023, letter (1533A), including but not limited to the use of exclusionary fencing that is at least 20 inches tall, be conditions of approval.

### 3.) Stormwater Management and Erosion and Sedimentation Controls

The Petitioner states that “the Project has been designed to meet the 2004 Connecticut Stormwater Quality Manual, the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, and the requirements of DEEP’s General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (“GP”).” The Petitioner also notes that a Resource Protection Plan/Program ( Appendix A, Project Plans, Sheet No. GN-2), which includes provisions for contractor education; isolation measures & sedimentation and erosion controls; petroleum materials storage and spill prevention; herbicide and pesticide restrictions; turtle protection measures - construction phase; and reporting, will be implemented to protect environmental resources within and proximate to the proposed site. The Council supports the Petitioner’s proposed Resource Protection Plan/Program and recommends that the Petitioner also consider utilizing updated methods and techniques for minimizing erosion and sedimentation, based on the best currently available technology, as identified in the draft Soil Erosion & Sediment Control Guidelines update (2023).

The Council's comments above address only certain elements of the materials provided by the Petitioner at the time of the filing. Additional information can become evident through comments offered by other parties and during the Siting Council's administrative hearing process. The absence of comment(s) by this Council about any Petition or Application, or any aspects thereof, may not be interpreted as an endorsement of a proposed project, or its components or that this Council might not have comments or concerns on more specific issues raised during the hearing process.

Thank you for your consideration of the Council's comments.

Sincerely,

A handwritten signature in cursive script that reads "Paul Aresta". The signature is written in black ink and includes a long horizontal flourish at the end.

Paul Aresta  
Executive Director