



## STATE OF CONNECTICUT

# COUNCIL ON ENVIRONMENTAL QUALITY

### VIA ELECTRONIC MAIL

June 27, 2024

Melanie Bachman, Executive Director  
Connecticut Siting Council  
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DOCKET NO. 522 – Stafford Solar One, LLC (Applicant) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 4.0-megawatt-AC solar photovoltaic electric generating facility and associated equipment located at 92 Upper Road, Stafford, Connecticut and associated electrical interconnection.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) supports the development of clean energy facilities on appropriate sites in Connecticut. The Council offers the following comments regarding Docket 522.

### 1. Farmland

The Applicant notes that the project site was an active hayfield and Prime Farmland Soils and Statewide Soils of Importance are found on the site and within the project area. The Council wants to emphasize the importance of agricultural land in Connecticut and to note that the continuing accretion of multiple individual decisions to site solar facilities on productive agricultural land has cumulative regional economic and ecological implications. Although the Applicant states that “the primary means of vegetation management will come in the form of the Livestock Grazing Program” and that sheep grazing will serve as an agricultural co-use for the project, the Council does not support the use of “important farmlands”<sup>1</sup> for commercial (front of the meter) energy projects given their importance to the state's agricultural industry. However, if approved, the Council recommends that the Applicant employ best practices during construction and operation that might allow for the future restoration of farmland soils to a more productive agricultural state by minimizing grading, trenching, and compaction of farmland soils.

### 2. Wildlife

The Applicant notes that the Connecticut Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDDB) provided a response to the Applicant on February 29, 2024, indicating the possible presence of the whip-poor-will, a State Special Concern Species, along with a recommendation to employ Best Management Practices for the proposed project. According to the NDDDB response, “the whip-poor-will is a bird that nests in forest habitat with an open understory, often adjacent to areas of shrubby or herbaceous habitat. They are ground-nesting birds that breed between April 20- July 30.” Further, the NDDDB response stated that “do not begin to cut, clear, remove trees or shrubs, or disturb forest floor between May 1-July 30 within 200 m of nesting locations.” Since the Applicant states that “construction is anticipated to begin in early spring 2025 and be completed by winter 2025”, the Council recommends that the Applicant consult with the DEEP Wildlife Division prior to any tree

<sup>1</sup> Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance.

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removal or sitework regarding a pre-construction survey for the presence of whip-poor-will nests along the periphery of the forested areas, and especially the areas of the proposed tree clearing, at the appropriate time and that the Applicant adhere to all the NDDB Best Management Practice recommendations during construction, as a condition of approval.

### **3. Erosion & Sedimentation (E&S) Controls**

The Applicant notes that E&S controls would be installed and maintained consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control and that the proposed project has been designed in accordance with the 2004 State of Connecticut Stormwater Quality Manual. The Council supports efforts to properly manage peak stormwater flows and minimize erosion and sedimentation and recommends that the Applicant utilize updated methods and techniques, based on the best currently available technology and strategies as identified in the revised Connecticut Stormwater Quality Manual and the Connecticut Guidelines for Soil Erosion and Sediment Control, which has an effective date of March 30, 2024, as appropriate.

The Council notes that the Erosion and Sediment Control Plan (Sheet C101), depicts an “infiltration trench” along the west side of the proposed access road extending from Upper Road (approximately 625 feet above mean sea level (AMSL)) up hill to its terminus at the southern end of the proposed facility fence (approximately 694 feet AMSL). The Council questions if maintenance of the infiltration trench would be required over the operating life of the proposed project to ensure the infiltration trench is functioning as anticipated to ensure that stormwater would not be channeled onto Upper Road. Further, it is unclear from the details on Sheet C101 if E&S controls would be installed along the limit of disturbance (LOD) on the east side of the proposed access road located upgradient from the wetlands. If not, the Council recommends that E&S controls be installed and maintained around the identified wetland in areas downslope of the LOD for the proposed access road.

### **4. Spill Prevention and Materials Storage Plan**

The Applicant notes that the proposed site falls within an area classified with ‘GA’ groundwater quality. The Connecticut Department of Energy and Environmental Protection (DEEP) defines “GA” groundwater to mean, “existing private and potential public or private supplies of water suitable for drinking without treatment”. The Council notes that the area proximate to the proposed site is outside of a “Service Areas of Community Water Systems” and therefore, residents might rely on private wells for drinking water. Although the General Notes on the Notes and Specifications Sheet C001 states that “contractor shall comply with all federal, state, and local laws and regulations controlling the pollution of the environment”, the Council recommends that the Applicant develop and implement a spill prevention plan for construction of the proposed facility, with specific procedures and contact information, as a precaution to minimize potential impacts on groundwater resources.

The Council’s comments above addresses only certain elements of the materials provided by the Applicant 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,



Paul Aresta  
Executive Director