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March 8, 2019

**VIA FEDERAL EXPRESS AND
ELECTRONIC MAIL**

Melanie.bachman@ct.gov
Siting.council@ct.gov

Ms. Melanie A. Bachman, Esq., Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06501

Re: Petition 1313 – DWW Solar II, LLC Petition for Declaratory Ruling that No Certificate of Environmental Compatibility and Public Need Is Required for A 26.4 Megawatt AC Solar Photovoltaic Electric Generating Facility in Simsbury, Connecticut

Dear Attorney Bachman:

This office represents the Town of Simsbury (“Town”). On behalf of the Town, I have enclosed an original and fifteen copies of the Town’s comments to the Development and Management Plan submitted by DWW Solar II, LLC.

Please do not hesitate to contact me with any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Jesse A. Langer', with a stylized flourish at the end.

Jesse A. Langer

Enclosures

cc: *Service List (via regular mail and electronic mail)*

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

.....)
DWW SOLAR II, LLC PETITION FOR) PETITION NO. 1313
DECLARATORY RULING THAT NO)
CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AND PUBLIC NEED)
IS REQUIRED FOR A 26.4 MEGAWATT)
AC SOLAR PHOTOVOLTAIC ELECTRIC) March 8, 2019
GENERATING FACILITY IN SIMSBURY)
CONNECTICUT)
.....)

**TOWN OF SIMSBURY’S COMMENTS TO
DEVELOPMENT AND MANAGEMENT PLAN**

The Town of Simsbury (“Town”) respectfully submits the following comments concerning to DWW Solar II, LLC’s (“DWW”) Development and Management Plan (“D&M Plan”) and requests responses from DWW.

Exhibit B – Storm Water Pollution Control Plan and Site Plans

1. Please include a certification by the Owner and Engineer in the Storm Water Pollution Control Plan (“SWPCP”).
2. Please include a statement in the SWPCP that the contractor and sub-contractors who will build the project have not been chosen yet and will be identified in the General Permit registration.
3. The SWPCP does not specify a construction schedule.
4. The SWPCP does not include a discussion of methods for “disconnection and reduction of runoff associated with solar panel arrays, avoidance of concentration of stormwater” as required by the Connecticut Department of Energy and Environmental Protection (“DEEP”) guidance for “Stormwater Management at Solar Farm Construction Projects.”
5. The SWPCP should state that if modifications to the SWPCP or Permit Registration are required to meet the requirements of the General Permit, any such changes will be submitted for the review and written approval of DEEP.
6. The SWPCP should state that in the event that a violation of the General Permit or the SWPCP, or other adverse impacts to wetlands, streams or other receiving waterbodies are identified, construction activities will immediately cease and the site will be stabilized until problems have been corrected.

7. The SWPCP should state that inspection checklists and reports will be provided to DEEP electronically within ten (10) days of the inspection. The Town request copies of these checklists and inspection reports.

8. Wheel washes at construction exits are not included. The SWPCP should state that wheel washes will be added if required to maintain roadways at site exits free of soil.

9. The water quality designations of the receiving water bodies should be described in the SWPCP, including a discussion of whether the water bodies are “impaired” or “high quality.”

10. Please add the following to page 8, Construction Sequence No. 8: “All trapped sediment will be handled, sampled and disposed off-site in accordance with the project Soil and Materials Management Plan”.

11. There is an incomplete sentence on Page 9 concerning “Hydroseeding.”

12. Please add the following to page 10, Maintenance, third bullet: “All trapped sediment will be handled, sampled and disposed off-site in accordance with the project Soil and Materials Management Plan”.

13. Section 7, Turbidity Monitoring – Monitoring of stormwater for turbidity does not meet the requirement of the General Permit Section 5(a)(4) which states that “...discharge shall not cause or contribute to an exceedance of the applicable Water Quality Standards in the receiving water.” In addition, if the receiving waters are “high quality,” the monitoring does not meet General Permit requirements (Section 5(a) (5)). To meet this requirement, stormwater should be tested for turbidity, pesticides, herbicides and metals at a minimum.

14. The Maintenance/Evaluation Checklist should include spaces for the following information: (a) weather conditions including precipitation information; (b) a description of the stormwater discharge(s) from the site; (c) any water quality monitoring performed during the inspection; and (d) space for the authorized professional’s signature and professional stamp.

15. Temporary sediment traps and basins will in some cases be permanent water quality basins as indicated in the SWPCP. These features were designed based on the 10-year storm event and construction duration of 8-months for basins. The Town has the following comments concerning these features:

- a. Construction may extend into the Spring of 2020 per Exhibit N: Traffic Management Plan. How does a longer construction period impact the basin size?
- b. Permanent water quality traps and basins should be included in the calculations of the Stormwater Report to understand the outflow characteristics during all storm events including the 100-year storm.

16. A rip-rap spillway extending to Hoskins Road is proposed for SB-16 as the primary discharge from the sediment basin. Peak flow rates are calculated as 3.66 cfs for a 10-year storm, and 11.85 cfs for a 25-year storm. The Town has the following comments concerning this feature:

- a. The concentration of flow to the culvert inlet will require additional work between the spillway and inlet to ensure soil erosion does not occur on Hoskins Road.
- b. Is the 24" CPP culvert under Hoskins Road sufficient to convey existing flows as well as the proposed concentrated discharge from SB-16?
- c. In the event that the capacity of the existing 24" CPP culvert is reduced via increases in peak flows from the proposed spillway, stormwater will discharge over Hoskins Road rather than to the culvert. Provide alternative solutions.
- d. The existing conditions analysis of drainage area BB-1 describes this 19 acre area as draining to a swale near the intersection of Hoskins Road and County Road. However, the topography provided suggests the area drains to a low spot behind the existing barn and ponds prior to discharge to Hoskins Road. As such, the analysis may overstate the discharge to Hoskins Road. The analysis and design should be revised to reflect this condition.

17. Please define "damaging rainfall events" under the section entitled "Water Quality and Quality Controls Long Term Maintenance" of the SWPCP.

18. The proposed temporary sediment basins and the permanent water quality basins should be reviewed for appropriate countermeasures downstream of these facilities so to eliminate possible down-gradient erosion issues. Outlet protection, pipe and spillway, should be designed to a 25-year storm at a minimum.

19. Construction sequencing outlined by the SWPCP indicates all E&S Control features will be installed prior to the start of work. Will the engineer of record inspect prior to the start of topsoil removal, grading, and stockpiling?

20. The gravel road to remain is within an existing sanitary sewer easement. Construction traffic between the two major solar fields is proposed along this road as well as the electric interconnect.

- a. Construction access and utility connections will encroach into sewer easements. Work within sewer easements requires coordination with the Town's Water Pollution Control Authority ("WPCA").
- b. How will the contractor protect the existing sanitary sewers and sewer manholes?
- c. Do the existing gravel roads require improvement in order to protect the existing sanitary sewer main from construction vehicle loads?
- d. Has the contractor coordinated this work with the WPCA?
- e. What is the proposed separation distance between the electric interconnect duct bank and existing sanitary sewer?
- f. Identify all proposed electric and existing sanitary sewer and culvert crossings. Minimum concrete encasement of the proposed electric duct bank is ten (10) feet on either side of crossing.

21. The SWMP and other documents do not address the contingency of winter construction as part of the project. This contingency should be included as part of the D&M Plan.

22. Aquifer Protection Zone (AQZ) should be indicated on the construction plans to provide guidance on storage of fuels and equipment with the potential to contaminate the AQZ.

23. Is demolition of the proposed sediment traps and basins to remain planned as part of the decommission plan?

24. It appears that solar panels are located throughout the permanent sediment basins.

a. Do these panels follow the proposed grade or are the heights of the panels to remain consistent with the panels behind the limits of the basin?

b. Access to the basins will be limited due to the panels and support posts. How will the basins be stabilized and maintained over the long-term?

25. Some erosion and sedimentation control measure should be provided during construction of the gravel parking area on the southern parcel or for any expansion of the laydown area on this parcel.

26. According to Site Protection and Sequence section, a tub grinder will be used for mulching of felled trees. Where will this be located on the within the site? How long with this be operated on site?

27. The site plan does not provide erosion and sediment control and grading information for area of utility connections to sub-station (Casterbridge Crossing).

28. The site plan does not provide a restoration plan for construction laydown area located in the southern field off Hoskins Road after construction.

29. According to the site plan, storm water basins will be cleaned on an annual basis. The Town recommends that basins are inspected and cleaned after each storm event that is greater than 1 inch of precipitation.

30. Temporary basins are to be removed once contributing area has 80% stabilization. The Town recommends that removal is strictly based on opinion and direction of qualified inspector and design engineer.

31. The site plan should demarcate the limits of Area Aquifer protection.

32. The Town would like more clarification on tree clearing measures for the construction access points. Please provide information on the plans that demonstrate location and extent of clearing along Hoskins Road.

33. Please include requirements of Health and Safety Plan (HASP) required as part of the project.

34. All work within a Town right-of-way requires an encroachment permit from the Engineering Department.

35. The Town would request a clarification on the reconfiguration of the proposed trail. The Town values the inclusion of a walking trail, but is unclear of why the reconfiguration was proposed. It appears that the trail ends on private property not under the control of DWW or the site owner. Trail termination points from the site should be at a public road or existing public trail with appropriate access.

Exhibit C – Soil and Materials Management Plan

36. Monitoring wells are identified on Figure 2 of the Soils and Materials Management Plan. These wells should be identified and protected as part of the project.

37. Please identify stockpile location and appropriate E&S protections anticipated as part of the project.

38. Figure 1 should be revised to include the new lease area.

Exhibit H – Agricultural Soil Protection Plan

39. Section 4 of the plan states that cover crop will be maintained during construction. Without a detailed phasing plan, it is unclear based on the site plan how this will be accomplished. Please clarify

40. Section 7 discusses how soils that are disturbed for trench work will be windrowed in order to preserve state. Where will these be located? Will location of the windrows of stored soil have effects on drainage patterns or was this taken into consideration when developing storm water management plans?

Exhibit K – Resource Protection Plan

41. The Resource Protection Plan (“RPP”) describes a Spill Prevention and Control Plan (SPCP) (*i.e.*, a Spill Prevention, Control and Countermeasures Plan, [“SPCCP”]) that will be “maintained on site”. The D&M Plan should include the specifics of an SPCP/SPCCP.

- a. The SPCP/SPCCP should include a response plan for containment of fuel or chemical releases, including the placement of spill response equipment on site at all times with personnel trained to use that equipment.
- b. An emergency contact should be identified in the SPCP/SPCCP and on permanent signs posted at entrances to the site. This contact should be available 24 hours per day, seven days per week.
- c. The SPCP/SPCCP should describe a single area designated for vehicle refueling and routine equipment maintenance.
- d. The SPCP/SPCCP should include a description for vehicle/equipment refueling, minor servicing and storage methods on/within containment structures.
- e. The SPCP/SPCCP should specify the following: any major equipment repair will be conducted off site; on-site storage of fuel is discouraged; paints, fuels and other hazardous materials will be removed from the site during non-work hours or stored in a

secure location to prevent vandalism; and, trash receptacles will be covered at all times and not cleaned with water on site.

42. Wheel washes at construction exits are not included. The RPP should state that wheel washes will be added if required.

43. Section 2.3 of the RPP states that vehicle refueling may occur onsite. Aside from refueling more than 200 feet from any wetland or watercourse, the RPP should prohibit refueling or similar activities within an Aquifer Protection Zone. The Town recommends that refueling activities not be located in areas identified by DEEP Level "A" Mapping of Aquifer Protection.

44. Section 2.4, Pre-Construction, Construction and Post-Construction Monitoring – Monitoring of stormwater for turbidity, pesticides, herbicides and metals should be completed. This section should also include a brief discussion of drinking water well sampling/testing and refer the reader to the exhibit that contains the drinking water well testing protocol.

45. In addition to re-fueling, potential of repairing structures within the aquifer protection area needs to be addressed.

46. Section 5 states existing culverts/wetland crossings will be inspected to determine that they can support construction equipment. Please identify which culverts that will be reviewed.

47. Section 7.1 states that traveling along saturated soils will be avoided. Will this also apply to frozen ground conditions?

48. Please indicate the location of the fencing required for protection of moth habitat on the construction plans.

Exhibit N – Traffic Management Plan

49. Although the Town understands that the parcel south of Hoskins Road will be used as a temporary laydown area, when necessary, the plan states that it will also be used for employee parking. Given the large number of employees expected, the Town is concerned with the volume of vehicular and foot traffic. A temporary bituminous walk to the north side of Hoskins may be appropriate. Additionally, the Town would like more clarification on the traffic safety measures DWW will implement to accommodate that vehicular and foot traffic.

50. The Town would like more clarification on the phasing of the project.

51. The Town would like more clarification on the location of deliveries and the traffic measures DWW will implement related thereto. The plan indicates that up to twenty deliveries a day will occur. The Town would request that those deliveries not be made during school drop off and pick up. Will materials for the entire project be coming from the east (Route 10/202)?

52. The Town would like more clarification on tree clearing measures for the construction access points. Section 4 refers to areas of tree clearing along Hoskins Road. Please provide plans that demonstrate location and extent of clearing.

53. The Town would like more clarification on DWW will access the northern portions of the project and associated traffic measures. To what extent will DWW use the existing access road north of Litchfield Drive? Will there be any access from Hopmeadow Street?

54. The Town would request that DWW curtail, i.e. delayed start and early finish, for any weekend construction activities. The Town would request that construction activities be limited to weekdays only and between 7:00a.m. and 5:00p.m., which are the hours to which the Town and The Connecticut Light & Power Company *d/b/a* Eversource Energy (“Eversource”) agreed in Eversource’s Temporary Access Permit.

55. Will there be any construction impact to the abutting Cambridge Crossing housing development currently underway?

56. Will there be another area for staging of construction materials adjacent to the entrance near Litchfield Drive and County Road. If so, please provide drawings illustrating those locations.

57. Please explain how DWW may use the existing County Road access to the site for emergencies or any other use to complete the proposed project?

59. In anticipation of the intensity of truck traffic anticipated as part of the project, we would request that a sweeper be required on a full time basis during construction of the project.

60. Propose controls for construction entrances should be extended to a length of one hundred feet (100’) at all access locations to the site during construction in consideration of the expected amount of truck traffic.

Exhibit P – Vegetation Management Plan

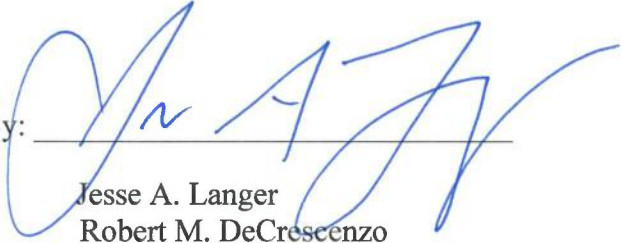
61. Were types of soils considered when choosing the species of grasses for the permanent vegetative cover? The soil map report makes comments that the soil characteristics should be taken into consideration when choosing the appropriate vegetative cover.

[signature and certification pages to follow]

Respectfully submitted by,

THE TOWN OF SIMSBURY

By: _____

A handwritten signature in blue ink, appearing to be 'Jesse A. Langer', written over a horizontal line.

Jesse A. Langer
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CERTIFICATION

I hereby certify that on this day that the foregoing was delivered by electronic mail and regular mail, postage prepaid, in accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies, to all parties and intervenors of record, as follows:

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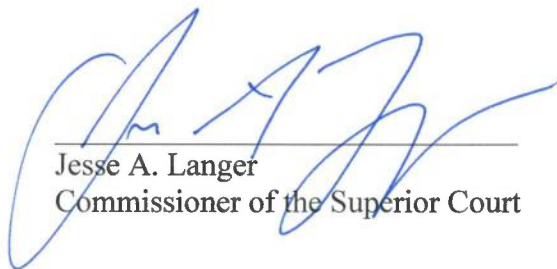
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Jesse A. Langer
Commissioner of the Superior Court