STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL
Ten Franklin Square, New Britain, CT 06051
Phone: (860) 827-2935 Fax: (860) 827-2950
E-Mail: siting.council@ct.gov
Web Site: www.ct.gov/csc

VIA ELECTRONIC MAIL

May 4, 2021

Steve Broyer
Ecos Energy LLC
222 South 9th Street
Suite 1600
Minneapolis, MN 55402

RE: **PETITION NO. 1395A** – Windham Solar LLC amended petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of one 1.0-megawatt (MW) and one 0.99 MW solar photovoltaic electric generating facilities located at 31 Benz Street, Ansonia, Connecticut.

Dear Mr. Broyer:

The Connecticut Siting Council (Council) requests your responses to the enclosed questions no later than May 27, 2021. To help expedite the Council's review, please file individual responses as soon as they are available. At this time, consistent with the Council's policy to prevent the spread of Coronavirus, please submit an electronic copy only to siting.council@ct.gov. However, please be advised that the Council may later request one or more hard copies for records retention purposes.

Any request for an extension of time to submit responses to interrogatories shall be submitted to the Council in writing pursuant to §16-50j-22a of the Regulations of Connecticut State Agencies.

Sincerely,

s/ Melanie A. Bachman

Melanie A. Bachman
Executive Director

c: Service List dated November 19, 2020

MB/RM

Petition No. 1395A
Reconsideration Interrogatories

May 4, 2021

1. The Petition indicates on-site rock processing would occur during construction. Please provide details of this activity including, but not limited to, duration, location, and required machinery/trucks/loaders.

2. How would fugitive dust be controlled during rock processing? If water is used, how would waste water be controlled?

3. Would rock-crushing activities cause vibrations that could affect groundwater resources and the water quality of nearby wells?

4. Would hauling the rock/boulders from excavation/grading activities off-site reduce the potential for dust control and water quality issues? What is the estimated cost of removing this material from the site compared to processing it on-site?

5. Given the exposed boulders in the northern portion of the project footprint (as shown in the petition photographic documentation) how does the Petitioner intend on establishing suitable erosion and sedimentation controls before any ground disturbance activities occur?

6. To date has the Petitioner met with DEEP Stormwater Division to discuss the project? If so, what were their concerns and how were these concerns addressed? What is the status of the Stormwater Permit?

7. Could the Petitioner reduce the project footprint to ensure the Critical Terrestrial Habitat associated with the on-site vernal pool does not exceed 50 percent disturbance?

8. Are wetland and vernal pool species sensitive to water temperature variations? Would the grading and filling of the seep areas upgradient of the wetland/vernal pool alter site hydrology so that the seep areas are no longer contributing cold water to these water resources?

9. Would the bottom of proposed Stormwater Basin #1 intercept the water table so that it would contain water for part of the year? If so, what water depth is anticipated during the spring season?

10. How does the wetland buffer design for the project comport with the recommendations of the *2004 Connecticut Stormwater Quality Manual* in regards to protecting water quality and temperature, and providing wildlife habitat. Was a Function and Values assessment of the wetland performed? If so, please provide.

11. Could landscaping or other type of vegetative plantings in the wetland buffer area enhance water infiltration and/or site hydrology? If so, how and what type?

12. The site plans depict a 100-foot "regulated area" from wetlands. What does this value represent?

13. Would the Petitioner be willing to reduce the size of the project footprint to provide for a larger buffer composed of undisturbed vegetation to the wetland and vernal pool?

14. Site Plan Sheet 7 depicts the limit of clearing north of Stormwater Basin #1 extending up to the wetland boundary. What is the purpose of tree clearing in this area? How would tree clearing as shown affect the wetland and vernal pool in regards to temperature and drying due to sun exposure?

15. Can the petitioner reduce the footprint of the project by using higher Watt solar modules at the site? Higher wattage panels were specified and approved in Petition 1222A - Windham Solar's approved project at 90 Hartford Turnpike, Hampton, Connecticut.

16. How would nutrients from livestock waste affect water quality in the nearby wetland and vernal pool? Are the proposed stormwater basins designed to filter out excessive nutrients/pollutants? If so, by what design/methodology?

17. Is livestock grazing an integral component of the Project or can the Project proceed without it?

18. Please describe in detail how the project design complies with Section 2(a) of Appendix I – Stormwater Management at Solar Array Construction Projects - of the DEEP General Permit. Section 2(a) is as follows:

> (2) (a) Prior to commencing construction activities, the Permittee shall ensure that the following setback and buffer shall be delineated and maintained on the site:
>
> (i) No solar panel associated with a solar array shall be located within one-hundred (100) feet of any wetland or waters ("the 100-foot setback") that, prior to or after construction, is located downgradient of such construction activity or within fifty (50) feet of any property boundary ("the 50-foot setback") that, prior to or after construction, is located downgradient of such construction activity; and
>
> (ii) Except as provided in section 2(a)(iii), there shall be an undisturbed buffer of at least fifty (50) feet between any construction activity at a site and any wetland or waters that, prior to or after construction, is located downgradient of such construction activity ("the 50-foot buffer"). Such buffer shall be comprised of existing dense herbaceous vegetative ground cover (e.g. not forested area). If the entirety of such buffer is not comprised of existing dense herbaceous vegetative ground cover, such buffer shall be at least one-hundred (100) feet ("the 100-foot buffer").
>
> (iii) There shall be an undisturbed buffer of at least ten (10) feet between any construction activity at a site associated with an access road or the electrical interconnection necessary for the solar array and any wetland or waters that, prior to or after construction, is located downgradient of such construction activity ("10-foot buffer"), except if the access road or electrical interconnection passes between two wetland or waters and the undisturbed buffer cannot be achieved. Any crossing through a wetland or waters for an access road or electrical interconnection is exempt from such buffer requirement.
>
> (b) Notwithstanding section 2(a)(ii), the 50-foot buffer or 100-foot buffer, as applicable, may be reduced, only where necessary, but by no more than fifty percent (50%), only if all of the following have been demonstrated to the satisfaction of the commissioner by approval of a Registration:
>
> (i) Stormwater control measures for managing stormwater discharges that will enter or be received by a wetland or waters shall be designed and installed in accordance with the following conditions:
>
> (A) a minimum sediment load reduction of ninety percent (90%) shall be achieved before such discharges enter or are received by a wetland or waters. The required sediment load reduction shall be calculated based solely on the stormwater controls used; no sediment load reduction from conditions on the site (i.e., from any remaining buffer) shall be considered when calculating the sediment load reduction from such stormwater controls. The sediment load reduction may be calculated using a range of available models that are available to facilitate this calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other equivalent independent third party model or method acceptable to the commissioner;
>
> (B) those portions of a solar array from which stormwater discharges enter or will be received by a wetland or waters shall be deemed effective impervious cover for the purposes of calculating Stream Channel Protection in accordance with Section 7.6.1 of the Stormwater Quality Manual, even if those portions of such array are less than one (1) acre; and
>
> (C) the buffer into which stormwater discharges shall have a slope of less than or equal to fifteen percent (15%)