



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

June 22, 2020

Carrie Larson Ortolano, Esq.
Lodestar Energy LLC
40 Tower Lane, Suite 201
Avon, CT 06001

RE: **PETITION NO. 1398** – LSE Pictor, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.99-megawatt AC solar photovoltaic electric generating facility on an approximately 104 acre parcel located off of Platt Hill Road, Winchester, Connecticut and associated electrical interconnection.

Dear Attorney Ortolano:

The Connecticut Siting Council (Council) requests your responses to the enclosed questions no later than July 10, 2020. 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: Jeffrey Macel, LSE Pictor, LLC

MB/RM

Petition No. 1398
Interrogatories
Set Two
June 22, 2020

67. Referring to the petitioner's response to interrogatory 34, what is the time interval between Phase IIIA and Phase IIIB? What percent of established seedling growth is necessary to consider the Phase IIIA stabilized before proceeding to Phase IIIB? If Phase IIIA is not stabilized before construction work begins in Phase IIIB, would a sediment trap be required since the collective Phase IIIA/Phase IIIB disturbed area is greater than 5 acres?
68. Referring to the petitioner's response to interrogatory 36, would the petitioner be willing to avoid earth disturbing construction activities until the Spring to allow for vegetative stabilization between phases, as specified on the site plans?
69. Referring to the petitioner's response to interrogatory 36, if winter construction proceeds for Phases II and III what specific erosion control measures will be implemented to ensure Site stabilization of disturbed areas? Describe procedures that will be implemented to remove these erosion control measures and prepare the soil for Spring seeding.
70. Referring to the petitioner's response to interrogatory 37, is the outer covering of the Filtrexx Soxx bio-degradable? If so, over what time interval? If the Filtrexx Soxx remains on-site after site stabilization with the outer covering intact, can it act as a barrier to small animal movement (e.g. turtle)?
71. Referring to the petitioner's response to interrogatory 37, is there enough clearance for the excavator mounted scarifier to reach under the panels and around posts to loosen the soil? If not, what other methodology will be used?
72. Referring to the petitioner's response to interrogatory 63, there is no provision in the Wetland Basin Maintenance notes on Site Plan Sheet 13 for replanting of wetland plants or the inspection and removal of invasive plants, as recommend by the *2004 Stormwater Quality Manual*. Please revise the Petition Operations and Maintenance Plan (Attachment 3) to include these items and the other O&M Basin/Swale items that were added to Site Plan Sheet 13.
73. The clearing limits for Site Plan Sheet 8 does not match the previous site plan sheets but the quantity of clearing -13.6 acres- is the same. Please clarify the acreage of site clearing for the project, including the wetland basin area.
74. Has the petitioner submitted the Environmental Land Solutions, LLC NDDB analysis report dated March 17, 2020 (Attachment 8) to DEEP for comment? If so, when? Please provide any DEEP response. If not, at what point will the report be submitted?

75. Referring to the Environmental Land Solutions, LLC NDDB analysis report dated March 17, 2020 (Attachment 8), the report Summary states an erosion control site monitor will be retained during construction and that a disturbed area will have 75% vegetative cover prior to proceeding to the next phase. The site plan notes contain no information regarding these specific measures. Please provide more information regarding the erosion control site monitor, frequency of inspections and the implementation of the erosion control site monitor's recommendations, and Site Plan Note language regarding 75 percent vegetation establishment prior to work on the next construction phase.
76. According to the Connecticut Environmental Conditions Online (CT ECO) fisheries data viewer, Taylor Brook is listed as containing wild brook trout. Chapter 11, p. II-P2-4 of the *2004 Stormwater Quality Manual* does not recommend the discharge from stormwater wetlands, including those that contain wetland vegetation, directly to cold water fish habitats due to the potential for thermal impacts. Please explain the rationale for using a stormwater wetland detention basin for this Project as opposed to other types of detention basins that could have a reduced thermal impact to coldwater fisheries, as recommended by the *2004 Stormwater Quality Manual*.
77. In order to maintain an undisturbed 100-foot buffer to the western wetland/watercourse from project related clearing, was a stormwater detention basin considered at the south end of the Project limits, within or adjacent to the clearing limit? If not, why not.
78. What areas of the solar field have non-averaged grades that are 15 percent or greater?
79. Referring to the two swale details on Site Plan Sheet 7, does the depth of 2 feet represent the bottom of the excavation itself or does it represent the depth to the top of the 6 inches of sandy loam/9 inches of rip rap?
80. Referring to the petitioner's response to interrogatory 35, Site Plan Sheets 10 and 11 appear to show an alternating pattern of Filtrexx Soxx and wood chip berms as the sole erosion and sediment control barrier around the downgradient perimeter of Phase 2 and portions of Phase 3. The *2002 Guidelines* do not identify wood chip berms for use as a sole erosion and sediment control barrier. Please clarify.
81. There are no perimeter erosion and sediment control barriers evident or along the downgradient portions of the central and northern portions of the eastern swale. Please clarify.
82. Would fuels be stored on site during construction? If so, in what location(s)? Please submit a spill prevention and control plan for the site.
83. Please respond to the Town of Winchester's comments dated June 2, 2020.