

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Greenskies Clean Energy, LLC petition for a declaratory ruling for the proposed construction, maintenance and operation of a 3.0-megawatt-AC solar photovoltaic electric generating facility on two parcels at the Elmridge Golf Course located to the east and west of North Anguilla Road at the intersection with Elmridge Road, Stonington, Connecticut, and associated electrical interconnection.

Petition No. 1410

February 5, 2021

COMMENTS ON PROPOSED FINDINGS OF FACT

Proponents for Responsible Emplacement of Stonington Solar, Inc. ("PRESS") submits the following comments on the Council's proposed findings of fact, pursuant to the Council's announced deadlines. Proposed changes to listed paragraphs were made using the "tracked changes" function for ease of the Council's review.

In addition to the below specific comments, PRESS generally notes that the Council refers at various times to the "Stormwater Permit," the "General Permit" and the "GP" throughout the proposed findings of fact and particularly in the Stormwater section (FOFs 153-195). PRESS suggests that the Council choose one consistent way of referring to the DEEP permit.

**Paragraph 2:** Proposed change to clarify the roles of the parties.

The ~~party-parties~~ to the proceeding ~~is-are~~ GCE~~\_. The Parties and CEPA Intervenor~~s to ~~the proceeding are~~ Douglas Hanson (Hanson) and the Proponents for Responsible Emplacement of Stonington Solar (PRESS). Hanson and PRESS are also CEPA Intervenors. (Record)

**Paragraph 10:** Proposed change to clarify that PRESS also requested a public hearing.

On July 27, 2020, Hanson requested a public hearing on the petition for a declaratory ruling. On July 31, 2020, PRESS also requested a public hearing. (Record)

**Paragraph 11:** Proposed change to clarify that per the August 13, 2020 meeting minutes of the Council, it considered and granted "Request~~s~~ for Public Hearing."

On August 13, 2020, during a public meeting of the Council, the Council granted the Hanson's requests for a public hearing made by Hanson and PRESS. (Record)

**Paragraph 88:** Proposed change to correct typographical errors.

Construction phasing would be performed in accordance with the requirements of the DEEP General Permit. In general, the proposed construction sequence includes s, but ~~are~~ is not limited to, the following:

- a) Demarcation of work area limits;
- b) Installation of erosion and sedimentation controls;
- c) Clear and grub areas where specified;
- d) Construct sediment/stormwater management basins and related infrastructure;
- e) Finish grade/apply topsoil to areas within the array areas;
- f) Stabilize all slopes outside the array and seed. Apply erosion control blankets where specified.
- g) Install solar array system and fencing; and
- h) Remove erosion and sedimentation controls after site stabilization.

(GCE 11c; GCE 2, response 29)

**Paragraph 89:** Proposed change to specify the percentage of disturbance in the area.

Site disturbance in the East Project area, including all site features, would occur over approximately 2.8 acres, or 30% of the West Project area, and of that, 0.7 acres is related to the stormwater basin (refer to Figures 5A/5B). (CGE 3, Exh. E, p. 8; GCE 11, p. 2; Tr. 3, pp. 100:10-101:20.)

**Paragraph 90:** Proposed change to specify the percentage of disturbance in the area.

Site disturbance in the West Project area including all site features would occur over approximately 3.8 acres, or 80% of the West Project area, and of that, 0.7 acres is related to the stormwater basin (refer to Figures 6A/6B). (CGE 3, Exh. E, p. 8; GCE 11, p. 2; Tr. 3, pp. 63:12-25, 68:5-69:25.)

**Paragraph 93:** Proposed change to specify the soil compaction rate.

Areas that are re-graded would be compacted to 95% to prevent the areas from settling. Topsoil, from on-site stockpiles, would be applied to the compacted areas to a depth of six inches. (GCE 11c; Tr. 3. pp. 62-68; Tr. 3 pp. 63:12-25, 68:5-69:25)

**Paragraph 95:** Proposed change to clarify that DEEP has not provided any specific guidance on the length of any site stabilization period prior to installation of the solar panel racks and the implications of a longer stabilization period.

After completion of grading within the solar array areas, disturbed areas would be hydroseeded with tackifier within 72 hours. The seed would be allowed to establish for 2 to 3 weeks for site stabilization, depending on the weather and the amount of irrigation. After site stabilization is achieved, construction of the racking system would commence. (GCE 3, response 40, Exh. E, p. 8; Tr. 1, pp. 26-28; Tr. 3, pp. 66-67) GCE's reports on communications with DEEP did not indicate the DEEP has made specific recommendations with respect to the length of time in which the site must be stabilized before the racking system may be

installed. (GCE 2, response 28) If the site is not stabilized within the short timeframe expected by GCE, the basins it will be using as temporary sediment traps during construction could be smaller than needed to control erosion. (Tr. 3, pp. 100:20-101:13)

**Paragraph 123:** Proposed change to correct citation, make consistent with FOFs 105 and 123 and reflect GCE's commitment to panels that comply with the TCLP.

The solar panels that were specified for the project are not considered hazardous material. The panels are subject to Toxicity Characteristic Leaching Procedure (TCLP) where the panels are crushed and pulverized to determine if any hazardous substances above regulatory thresholds leach out. The results of the TCLP test on the subject panel determined the panels are considered non-hazardous. Although lead is used in the panel as a soldering paste, TCLP testing determined the amount was below regulatory thresholds upon panel disposal. GCE intends to use the specified panels, or similar, if the specified model number is no longer available at time of procurement, and its commitment to using only comparable panels means that it will only use panels that comply with the TCLP. (GCE 8, pp. 5-6; Tr. 3, pp. 116-118)

**Paragraph 134:** Proposed change to make statement accurate and correct typographic error.

GCE conducted a daytime noise study of ~~the~~ both project areas. The proposed inverters/transformers are the main sources of noise for the Project. (GCE 10 - SLR Noise Study)

**Paragraph 152:** Proposed change to make consistent with FOFs 105 and 123 and reflect GCE's commitment with respect to no PFAS panels.

The panels ~~specified~~ GCE intends to use for the project do not contain per- and polyfluoroalkyl substances (PFAS). Should the specified panels no longer be available at the time of procurement, GCE has committed to using comparable panels, which means it will not use panels that contain PFAS. (GCE 3, responses 3, 13 & 14; GCE 8, p. 6)

**Paragraph 152:** Proposed change to correct apparent citation error, as PRESS Administrative Notice No. 10, a petition for declaratory ruling to DEEP in another matter, does not support any of the statements in this proposed finding of fact, including the Council's assertion that DEEP has discretion to hold a public hearing on any Stormwater Permit application.

The DEEP Individual and General Permits for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (Stormwater Permit) requires implementation of a Stormwater Pollution Control Plan (SWPCP) to prevent the movement of sediments off construction sites into nearby water bodies and to address the impacts of stormwater discharges from a project after construction is complete. In its discretion, DEEP could hold a public hearing prior to approving or denying any Stormwater Permit application. (CGS Section 22a-430b; CGS Section 22a-430(b); ~~PRESS Administrative Notice No. 10~~)

**Paragraph 170:** Proposed change to correct typographical errors and accurately explain the functions of the temporary riprap filter berm.

The temporary sediment basins would detain water that runs off from the construction area, allowing for sediment, if present, to settle. Water in the basin that exceeds the required storage volume would flow through a temporary riprap filter berm at the basin outlet weir wall. The temporary filter berm ~~would may~~ enhance the basin storage capacity ~~and,~~ allow~~ing~~ for a reduced discharge ~~velocity that would filter out sediment as the water discharges from the basin.~~ However, the stone GCE proposes to use for the temporary filter riprap filter berm is so large that it will allow turbid water to run off rather than filtering out sediment as the water discharges from the basin. (GCE 11, p. 2; Tr. 1, pp. 32-35; Tr. 3, pp. 94-97; Tr. 4, pp. 138:22-139:20)

**Paragraph 178:** Proposed change to correct address comments by Council members during January 28, 2021 meeting.

Water discharging from the sediment basins would exit through a V-notch weir outlet structure and a riprap energy dissipator and level spreader. (Tr. 1, pp. 39-40) While GCE stated that this arrangement will ~~to~~ prevent concentrated flows, it proposes to place the V-notch weir walls in both stormwater basins six inches from the dead-level basin bottoms, with a single outlet structure discharging onto an upland slope. (Tr. 1, pp. 39-40; Tr. 4, pp. 133:16-24) That configuration will increase the velocity of concentrated discharge and will result in the discharge of turbid water due to the proximity of the notch to the basin bottoms. (PRESS 5, pp. 8; Tr. 4, pp. 133:16-24) (Tr. 1, pp. 39-40)

**Paragraph 180:** Proposed change to clarify the magnitude of the stormwater flow that will not be directed to the basin in the East Project area.

A diversion swale is proposed along the slope of the East Project area that would serve to divert stormwater into the stormwater detention basin. ~~Not~~ Nearly half of all of the stormwater within the solar field area would not be directed into the stormwater basin. GCE stated that runoff from these areas would maintain existing flow conditions, despite the potential for channelized flow to develop on the western end of each stone-filled trench intended to act as a level spreader. (GCE 1, App. L; Tr. 3, pp. 74:16-76:7, 108-111; Tr. 4, pp. 136:14-21)

**Paragraph 187:** Proposed change to clarify that GCE did not provide support for its assertion.

In some areas, the proposed energy dissipators are aligned parallel to the ground slope, rather than perpendicular, which could lead to concentrated flows rather than overland sheet flows. ~~However GCE stated, that~~ the dissipators would serve a panel surface area of six square feet and would not create a significant amount of potential flow, but did not run any calculations or do any hydrologic analysis in designing the level spreader trenches and did not check the trenches' peak flow capacity or likely infiltration rate. (GCE 11c; Tr. 3, pp. 77-~~78~~79:13, 83:17-84:2, 131:13-132:6; Tr. 4, pp. 84-85, 134:23-135:1)

**Paragraph 238:** Proposed change to address comments by Council members during January 28, 2021 meeting and to include GCE's commitment to the Town of Stonington.

GCE has ~~offered~~ committed to further consult with the neighbors regarding Project landscaping and to provide neighbors with specific conceptual renderings on plans for additional screening. Additional landscaping could be installed adjacent to the site or along property lines abutting the golf course property. (GCE 2, Exh. E, pp. 7; GCE 3, Exh. 3, pp. 6-7; GCE 6, response 10; Tr. 1, p. 98; Tr. 4, pp. 22-23)

**Paragraph 239:** Proposed change to address comments by Council members during January 28, 2021 meeting and to clarify that the move would apply to the East Project area.

At the East Project area, GCE could move the south fence line and associated landscaping approximately 10 feet to the north, making it 10 feet further from the closest abutting neighbors, including Mr. Hanson and Ms. McComiskey. (GCE 2, response 33)

**PROPONENTS FOR RESPONSIBLE  
EMPLACEMENT OF STONINGTON SOLAR, INC.**

By: /s/ Emily A. Gianquinto  
Emily A. Gianquinto  
EAG Law LLC  
21 Oak Street, Suite 601  
Hartford, CT 06106  
Tel: (860) 785-0545  
Fax: (860) 838-9027  
emily@eaglawllc.com

CERTIFICATION

I hereby certify that a copy of the foregoing document was delivered by e-mail to the following service list:

Lee Hoffman  
Pullman & Comley LLC  
90 State House Square  
Hartford, CT 06103-3702  
lhoffman@pullcom.com

Jonathan E. Friedler  
Michael S. Bonnano  
Geraghty & Bonnano, LLC  
38 Granite Street  
P.O. Box 231  
New London, CT 06320  
jfriedler@geraghtybonnano.com  
mbonnano@geraghtybonnano.com

Gina L. Wolfman  
Senior Project Developer  
Greenskies Clean Energy, LLC  
127 Washington Avenue West Building,  
Garden Level  
North Haven, CT 06473  
gina.wolfman@cleanfocus.us

/s/ Emily A. Gianquinto  
Emily Gianquinto