



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

January 18, 2022

Kenneth C. Baldwin, Esq.
Jonathan H. Schaefer, Esq.
Robinson & Cole LLP
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RE: **PETITION NO. 1442** - SR Litchfield, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 19.8-megawatt AC solar photovoltaic electric generating facility on 6 contiguous parcels located both east and west of Wilson Road south of the intersection with Litchfield Town Farm Road in Litchfield, Connecticut, and both east and west of Rossi Road, south of the intersection with Highland Avenue in Torrington, Connecticut, and associated electrical interconnection. **Partial Development and Management Plan-Phase 1.**

Dear Attorney Baldwin & Attorney Schaefer:

At a public meeting of the Connecticut Siting Council (Council) held on January 13, 2022, the Council considered and approved the partial Development and Management (D&M) Plan submitted for this project on November 24, 2021, with the following conditions:

1. Provide SRL Field Operations personnel contact information for the Spill Prevention and Response Plan;
2. Provide procedures for Fuel/Hazardous Materials Storage and Equipment Refueling during construction, and
3. Install two rows of ESC fencing/compost sox in areas where the distance from a wetland to the LOD is less than 100 feet.

This approval applies only to the partial D&M Plan submitted on November 24, 2021 and supplemental information dated January 5, 2022. Requests for any changes to the partial D&M Plan shall be approved by Council staff in accordance with Regulations of Connecticut State Agencies (RCSA) §16-50j-62(b). Furthermore, the project developer is responsible for reporting requirements pursuant to RCSA §16-50j-62.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the Council's decision on the petition dated September 23, 2021 and in the partial D&M Plan dated November 24, 2021.

Enclosed is a copy of the staff report on this partial D&M Plan, dated January 13, 2022.

Thank you for your attention and cooperation.

Sincerely,

Melanie A. Bachman
Executive Director

MAB/RDM/lm

Enclosure: Staff Report, dated January 13, 2022



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Petition No. 1442

SR Litchfield, LLC

Solar Facility -Litchfield and Torrington

Partial Development & Management Plan

Staff Report

January 13, 2022

Introduction

On September 23, 2021, the Connecticut Siting Council (Council) issued a Declaratory Ruling to SR Litchfield, LLC (SRL) for the construction, maintenance, and operation of a 19.8-megawatt (MW) AC solar photovoltaic electric generating facility on approximately 322 acres comprised of six contiguous parcels in Litchfield and Torrington. The parcels are located generally south of Highland Avenue and east and west of Rossi Road in Torrington, and east and west of Wilson Road in Litchfield (collectively the Site).

In its Declaratory Ruling, the Council required SRL to submit a Development and Management Plan (D&M Plan). On November 24, 2021, SRL submitted a Partial D&M Plan (Phase 1) that included site plans and documentation specific to the commencement of site clearing and grubbing to adhere to Department of Energy and Environmental Protection (DEEP) clearing restriction from May 1 to August 14 associated with the red bat and hoary bat, special concern species listed on the Natural Diversity Database (NDDDB), which may occur in the forested areas of the site. SRL will submit additional Partial D&M Plan phases (Phase 2 and 3) with information required by the Council's Declaratory Ruling prior to the commencement of solar array construction.

As required by the Council's Declaratory Ruling Condition 2, the Partial D&M Plan (Phase 1) was served on the parties and intervenors listed on the service list. SRL also notified the Town of Litchfield and the City of Torrington. No comments regarding the D&M Plan were received.

On December 14, 2021 the Council issued interrogatories to SRL. SRL submitted responses to the interrogatories on January 5, 2022.

Condition 1 of the Council's Declaratory Ruling required the following:

Submit a copy of a DEEP-issued Stormwater Permit prior to the commencement of construction.

SRL has filed for a General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (GP) and is currently consulting with the DEEP Stormwater Program regarding details of the stormwater management system at the Site. SRL does not anticipate substantial changes to the stormwater management design that would require additional tree clearing. SRL needs approval of the GP in order to commence construction activities at the site. Construction activity, as defined in the GP, means *any activity and discharges associated with construction at a site or the site's preparation for construction, including, but not limited to, clearing, grubbing, pile driving, soil disturbance, soil compaction by construction equipment, staging and stockpiling, cleaning and washout, grading, excavation, and dewatering.*

In compliance with Condition 1 of the Council's Declaratory Ruling, SRL will submit a copy of the DEEP Stormwater Permit prior to the commencement of construction.

Condition 2 of the Council’s Declaratory Ruling required the following information to be included in the D&M Plan:

- a. **A final site plan including, but not limited to, final facility layout, access roads, fence design, equipment pads, stormwater management control structures, electrical interconnection including riser pole locations and increased setbacks to the property at 1119 Highland Avenue, Torrington;**

Final site plans will be provided in Partial D&M Plan – Phase 3.

SRL has increased the buffer from the Project fence to the property at 1119 Highland Avenue, Torrington from 10 feet to 20 feet. The distance from the solar panels to the property line was increased from 25 feet to 29.5 feet. The revised buffer would not require additional tree clearing in other areas at the Site.

- b. **Erosion and sedimentation control plan consistent with the 2002 Connecticut Guidelines for Erosion and Sedimentation Control including, but not limited to, temporary sediment basin details, site stabilization measures during construction, inspection and reporting protocols, methods for periodic cleaning of temporary sediment traps and swales during construction, and final cleaning of stormwater basins upon site stabilization;**

SRL will deploy erosion and sedimentation controls (ESC) after tree clearing and prior to site grubbing. ESC will consist of one row of perimeter silt fencing in downslope areas, and the application of straw mulch/tackifier.

If the ground is semi-frozen, SRL would punch seed disturbed areas (seed applied into the soil), allowing the seed to remain wet and germinate during favorable weather conditions.

Additional detail regarding ESC will be provided in Partial D&M Plan – Phase 2.

- c. **Site construction detail/phasing plan including, but not limited to, construction laydown area, site clearing/grubbing, site grading, soil stockpile locations, excess earth material disposal locations, wetland mitigation measures; and NDDB species protective measures;**

The Partial D&M Plan- Phase 1 includes all tree clearing and grubbing within the Project Limit of Disturbance (LOD). The site was divided into five work areas. All activities within the LOD for each area would be completed before work starts in the next area.

Cut trees and stumps would be moved to three landing areas on the site for chipping. Chipped material would be removed from the site.

A temporary construction laydown area would be established in the northwest portion of the site. A temporary material storage area and a parking area will be established adjacent to Town Farm Road.

The Partial D&M Phase 1 Site Plans include detail regarding scheduling of a pre-construction meeting, establishing construction entrances to each work area, installation of ESC, and ESC inspection protocols.

Tree clearing will occur in a wetland south of Highland Avenue in Torrington to establish an access drive to the northern array. The access road follows an existing, narrow road through the

wetland that will be upgraded by widening it to 12 feet and establishing a gravel surface suitable for construction vehicles. A combination of hand cutting, feller-bunchers with cutting heads, a harvester processor, and other similar logging equipment will be utilized in this area. Temporary construction matting will be used where tree removal equipment is required in wetland areas. Tree trunks and large branches will be removed from the work area, smaller diameter slash will remain providing habitat and cover for wildlife.

Site clearing activities may commence in February 2022 (based on issuance of the DEEP Stormwater Permit) and must be completed by May 1 to reduce potential impacts to the red bat and hoary bat, both of which are listed as special concern species on the DEEP NDDDB. These species may occur in the forested areas of the Project site. DEEP included a tree clearing restriction from May 1 to August 14.

Additional construction detail, including but not limited to excavation and grading to establish temporary/permanent stormwater controls, access drive construction, installation of site perimeter fencing, and establishment of additional ESC will be provided in Partial D&M Plan – Phase 2.

d. A final DEEP NDDDB determination letter prior to commencement of construction;

SRL filed for a Final NDDDB Determination Review on November 9, 2021 for the red bat, hoary bat, wood turtle, bobolink, savannah sparrow, and American kestrel. SRL will file the final NDDDB letter with the Council once it is received. The DEEP Stormwater Permit also requires the final NDDDB determination letter prior to issuance.

e. A final Landscaping Plan including, but not limited to, landscape plantings, pollinator plantings, and final seed mix;

This information will be provided as part of Partial D&M Plan-Phase 3.

f. A final structural design for the racking system, stamped by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;

This information will be provided as part of Partial D&M Plan-Phase 3.

g. Specification sheet for the Project solar modules;

This information will be provided as part of Partial D&M Plan-Phase 3.

h. Consult with the DEEP Dam Safety Division regarding permitting requirements, if any, for the proposed stormwater basins prior to site construction;

This information will be provided as part of Partial D&M Plan-Phase 2.

i. A Spill Prevention and Response Plan;

A Spill Prevention and Response Plan was submitted that contains fuel and oil storage inspection protocols and spill containment/cleanup procedures. Contact information for the contractor (except for SRL Field Operations personnel), DEEP and a spill response contractor is included within the plan.

- j. A livestock co-use plan for the site, including, but not limited to, provisions for rotational grazing, water access and emergency evacuation;**

This information will be provided as part of Partial D&M Plan-Phase 3.

- k. Consult with the state and local fire marshals regarding compliance with the CT State Fire Prevention Code, Section 11.12.3 - Ground Mounted Photovoltaic System Installations prior to commencement of construction; and**

This information will be provided as part of Partial D&M Plan-Phase 3.

- l. Project construction hours/days of the week.**

Phase 1 construction hours will occur Monday through Saturday from 7:00 a.m. to 5:00 p.m.

Recommendations

If approved, staff recommends the following conditions:

1. Provide SRL Field Operations personnel contact information for the Spill Prevention and Response Plan;
2. Provide procedures for Fuel/Hazardous Materials Storage and Equipment Refueling during construction, and
3. Install two rows of ESC fencing/compost sox in areas where the distance from a wetland to the LOD is less than 100 feet.