



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

October 18, 2023

Kenneth C. Baldwin, Esq.
Jonathan H. Schaefer, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
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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. **Compliance with Condition Nos. 1 and 2(g) and Development and Management Plan Revision.**

Dear Attorney Baldwin and Attorney Schaefer:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated October 16, 2023 regarding compliance with Condition Nos. 1 and 2(g) of the Declaratory Ruling issued by the Council on September 23, 2021 and a request to revise Development and Management (D&M) Plan Phase I that was approved by the Council on January 18, 2022 for the above-referenced facility.

The correspondence includes a copy of a DEEP-issued Stormwater Permit, with associated site design modifications, and the results of consultation with the DEEP Dam Safety Division indicating there would be no permitting requirements for the stormwater basins, in accordance with Condition Nos. 1 and 2(g).

Therefore, the Council acknowledges that Condition Nos. 1 and 2(g) have been satisfied.

The October 16, 2023 correspondence also includes a request for D&M Plan Phase I revisions to modify the tree clearing plan to include an additional 0.6 acres of clearing to accommodate the installation of the overhead electrical interconnection line. Pursuant to the Regulations of Connecticut State Agencies (RCSA) §16-50j-62(b), the requested change to D&M Plan Phase I is hereby approved.

This acknowledgement of compliance with Condition Nos. 1 and 2(g) of the Council's September 23, 2021 Declaratory Ruling and approval of the requested D&M Plan revisions, pursuant to RCSA §16-50j-62(b), apply only to the satisfied conditions and the requested D&M Plan revisions in the correspondence dated October 16, 2023. Please be advised that deviations from the Council's Declaratory Ruling and D&M Plan approvals are enforceable under the provisions of Connecticut General Statutes § 16-50u. Furthermore, the facility owner/operator is responsible for reporting requirements pursuant to RCSA §16-50j-62.

Thank you for your attention and cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Melanie A. Bachman". The signature is fluid and cursive, with the first name being the most prominent.

Melanie A. Bachman
Executive Director

MAB/RDM

c: Service List dated March 26, 2021



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October 16, 2023

Melanie A. Bachman, Esq.
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: **PETITION NO. 1442 - SR Litchfield, 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 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.**

Declaratory Ruling Condition Nos. 1 & 2(h) / Partial D&M Plan (Phase I) Updates

Dear Ms. Bachman:

In compliance with the Siting Council's (Council) September 23, 2021, Declaratory Ruling (Decision) Condition No. 1, enclosed is a copy of the Project's Connecticut Department of Energy and Environmental Protection (DEEP) Stormwater Permit Approval (**Attachment 1**). In compliance with the Decision Condition No. 2(h), SR Litchfield, LLC has consulted with the DEEP Dam Safety Division regarding permitting requirements for the stormwater basins. The updated Project plans provided with this correspondence confirmed that the stormwater basins included in the Project layout and design do not trigger any of the requirements that would make it necessary for SRL to obtain Dam Safety permits.

Also enclosed are the following documents, all of which have been updated to be in full compliance with DEEP's General Permit for Discharge of Stormwater and Dewatering

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Wastewaters from Construction Activities (DEEP Stormwater General Permit):

- Updated Tree Clearing Phasing (**Attachment 2**)
- Stormwater Pollution Control Plan (Revision 5; Oct. 16, 2023) (**Attachment 3**)
 - Appendix C – Project Plans (**Attachment 4**)
 - Site Civil Design (Revision 13; Sept. 27, 2023)
 - Appendix D – Drainage Calculations (**Attachment 5**)
 - Drainage Calculations (Revision 8; June 9, 2023)

Due to the size of the Attachments to these responses (approximately 108 MB) a link¹ to download a copy of Attachments 1 through 5 is being provided to the Council in order to access an electronic version. Attachment 3 and Attachment 5 are being filed as bulk exhibits and as such only two (2) full copies of these attachments are being mailed to the Council as part of this filing. Enclosed with this filing are sixteen (16) copies of this letter and of Attachment 1 (DEEP Approval), Attachment 2 (Updated Tree Clearing Phasing), and Attachment 4 (Site Civil Design) (on 11 x 17 paper).

Several aspects of the Project's design have been revised since the Council's January 18, 2022 Approval of the Partial D&M Plan (Phase I). These revisions were necessary in order for the SRL to comply with the requirements of the DEEP Stormwater General Permit. These modifications are reflected in the Stormwater Pollution Control Plan, Revision 5 (October 16, 2023), included as **Attachment 3**, the Site Civil Design, Revision 13 (September 27, 2023), included as **Attachment 4** (Site Civil Design), and the Drainage Calculations Report, Revision 8 (June 9, 2023), included as **Attachment 5**.

Project Design Updates Since January 2022

- Updates have been made to water quality and quantity stormwater calculations as well as to erosion and sediment control calculations in parallel with design changes across the site.

¹ <https://transfer.rc.com/message/MYz8s85RG6yu32qDTR2K60>

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- Additional geotechnical investigation informed more detailed stormwater calculations.
- Stormwater ponds have all been redesigned as Dry Detention Ponds and Pocket Ponds. Wet swales, level spreaders, sediment forebays, and slope stabilization have been added and modified to enhance water quality.
- SEDCAD and erosion and sedimentation control calculations resulted in modifications to the temporary sediment basins and temporary sediment traps.
- Both temporary and permanent erosion and sedimentation control measures proximate to these features have been added throughout the site.
- Overall Project design quantities have changed:
 - The limits of disturbance have been decreased from 73.5 acres to 72.6 acres.
 - The linear footage of access roads has decreased from 8,170 to 7,792.
 - The length of perimeter fencing has decreased from 21,480 feet to 20,294 feet.
 - Earthwork volumes have increased from 55,715 CY to 73,660 CY of cut and 20,932 CY to 23,108CY of fill, which is mostly the result of adjustments made to accommodate stormwater and erosion and sedimentation control measures.
- Detailed tree clearing phasing notes have been added.
- Environmental notes in compliance with information from the Natural Diversity Data Base (NDDDB) have been added.
- Soil boring locations and soil type data have been added to the plans to support stormwater and best management practice (BMP) design.
- Wetland impact areas have been clearly identified and labeled.
- Design data for the bottomless arch culvert within the wetland impact area has been added to the plans.

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- 18” wide gravel level spreaders have been added along contours in every array area to break up concentrated flow. These are noted to be staked by a surveyor and monitored to ensure that they are level and functioning effectively.
- Consideration has been taken for all basins and swales that might require excavation into or within 2’ of bedrock. For any such excavation, an impermeable liner topped with a 1’ layer of soil has been designed at the bottom of the excavation.
- Design of Swale 14, now Wet Swale 14, has been enhanced. Within Wet Swale 14, inlet and outlet control measures including a riprapped forebay, concrete check dams with v-notch weirs, and a riprapped emergency spillway were added. Wet Swale 14 was shifted uphill, and grades were lowered, pulling the tie-in slopes further out of and away from wetland and stream buffers. An impermeable liner has been added to prevent water exfiltration through fractures in bedrock.
- Ditch 9 has been split into an upstream Conveyance Ditch 9 and a downstream Wet Swale 9 to provide stormwater water quality volume retention. Wet Swale 9 has been widened from a triangular ditch to a trapezoidal ditch with a bottom width of 8’. Wet Swale 9 has been enhanced with a riprapped forebay and concrete check dams with v-notch weirs.
- A riprapped sediment forebay has been added at the outlet of Wet Swale 9 prior to entry into Dry Detention Pond 9.
- The access road to the west of Dry Detention Pond 9 in the northeastern array has been shortened.
- Pond 9 has been redesigned as Dry Detention Pond 9. A riprap pilot channel and baffle have been added within the pond, and a riprapped emergency spillway has been added. This pond was shifted west, lowered, and an impermeable liner has been added to prevent water exfiltration through fractures in bedrock.
- Ditch A3 has been redesigned as Wet Swale 3 to provide stormwater water quality volume retention. Wet Swale 3 has been widened from a triangular ditch to a trapezoidal ditch with a bottom width of 4’. This swale has been enhanced with a riprapped forebay and concrete check dams with v-notch weirs.

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- A riprapped sediment forebay has been added at the outlet of Wet Swale 3 prior to entry into Dry Detention Pond 3.
- The access road to the southwestern array from Litchfield Town Road has been removed.
- Modifications were made to Eversource's 3-pole configuration. A second access road to the southwestern array has been added off of Wilson Road to provide access to the POIs.
- The limit of disturbance has been expanded to include an overhead power crossing from the southeastern array to the southwestern array. The anchor poles for this crossing remain outside of the Gulf Stream buffer.
- Pond 3 has been redesigned as Dry Detention Pond 3. A riprap pilot channel has been added within the pond, and a riprapped emergency spillway has been added. This pond was shifted east, lowered, and an impermeable liner has been added to prevent water exfiltration through fractures in bedrock.
- Geotechnical testing results provided insufficient infiltration rates at Infiltration Trench 1. As a result, Infiltration Trench 1 has been redesigned as Dry Detention Pond 1. A riprap pilot channel has been added within the pond, and a primary riser outlet and riprapped emergency spillway outlet have been added. A level spreader was designed at the end of the outlet pipe to dissipate concentrated stormwater outflow from the pond.
- Wet Swale 1 has been added upstream of Dry Detention Pond 1 to provide stormwater water quality volume retention. Wet Swale 1 has been designed with a riprapped forebay and concrete check dams with v-notch weirs.
- Geotechnical testing results provided insufficient infiltration rates at Infiltration Trench 2a. As a result, Infiltration Trench 2a has been redesigned as Pocket Pond 2a. A weir outlet structure and riprapped emergency spillway have been added. An impermeable liner has been added to prevent water exfiltration through fractures in bedrock.
- Ditch 2A is now Conveyance Ditch 2a. Stone check dams and a culvert crossing under the new POI proposed access road have been added.
- Ditch 2B is now Conveyance Ditch 2B. This ditch has been extended north to capture more contributing drainage area. Stone check dams have been added within the ditch.

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- Geotechnical testing results provided insufficient infiltration rates at Infiltration Trench 2b. As a result, Infiltration Trench 2b has been redesigned as Pocket Pond 2b. A weir wall outlet structure has been added. Pocket Pond 2b was shifted uphill, and grades were lowered, pulling the tie-in slopes further out of and away from wetland and stream buffers. An impermeable liner has been added to prevent water exfiltration through fractures in bedrock.
- The entire central array area, between Rossi Rd and the Gulf Stream, has been removed from the project. Infiltration Trench 4, and Rossi Rd. Access Road 1, and all other measures in this area have been removed.
- Pond 5 has been redesigned as Dry Detention Pond 5. A riprap pilot channel has been added within the pond, and a riprapped emergency spillway has been added. This pond was lowered, removing the tall dam from the previous design. An impermeable liner has been added to prevent water exfiltration through fractures in bedrock.
- Ditch 5 has been redesigned as Wet Swale 5 to provide stormwater water quality volume retention. Wet Swale 3 has been widened from a triangular ditch to a trapezoidal ditch with a bottom width of 4'. This swale has been enhanced with a riprapped forebay and concrete check dams with v-notch weirs. This swale has also been extended to the south to capture more contributing drainage area.
- Stormwater Pond 8/10 has been redesigned as Dry Detention Pond 8/10. A riprap pilot channel and baffle have been added within the pond. The outlet structure now discharges into a headwall, and a riprapped emergency spillway has been added. This pond was lowered, and an impermeable liner has been added to prevent water exfiltration through fractures in bedrock.
- Ditches 8/10 North and 8/10 South have been replaced with Wet Swales 8/10a, 8/10b, 8/10c, and 8/10d to provide stormwater water quality volume detention. These swales have riprapped forebays and concrete check dams with v-notch weirs. Four swales were designed to ensure no individual swale exceeds the maximum drainage area for Wet Swales.
- Riprapped sediment forebays have been added north and south of Dry Detention Pond 8/10 at the outlet of Wet Swales prior to entry into the dry detention pond.

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- Conveyance Ditch 8/10a-Upper has been added to capture additional contributing drainage area and direct it towards Dry Detention Pond 8/10. A culvert has been added under Rossi Rd. Access Road 1.1 to connect Conveyance Ditch 8/10a-Upper to Wet Swale 8/10a.
- Pond 12 has been redesigned as Pocket Pond 12. A weir wall outlet structure has been added. An impermeable liner has been added to prevent water exfiltration through fractures in bedrock.
- Ditch 12 is now Conveyance Ditch 12. A riprapped sediment forebay has been added at the outlet of Conveyance Ditch 12 prior to entry into Pocket Pond 12.
- Conveyance Ditch 12a has been added to the south of Pocket Pond 12 to capture more contributing drainage area and direct it towards the pond.
- Design of Swale 11, now Wet Swale 11, has been enhanced. Within Wet Swale 14, concrete check dams with v-notch weirs were added. Wet Swale 11 was shifted uphill, grades were lowered, and the direction of flow in the swale has been reversed. An impermeable liner has been added to prevent water exfiltration through fractures in bedrock.
- Layout of the southeastern array has been adjusted to reduce the amount of blasting necessary to install the access road in this area. These changes include removal of Pond 13, realignment of the access road, and modification to the limit of disturbance (LOD) resulting in a smaller LOD than the design approved by the Council.
- Pond 7 has been redesigned as Dry Detention Pond 7. A riprap pilot channel and baffle has been added within the pond, and a riprapped emergency spillway has been added. This pond was shifted, lowered, and an impermeable liner has been added to prevent water exfiltration through fractures in bedrock. A level spreader was designed at the end of the outlet pipe to dissipate concentrated stormwater outflow from the pond. The outlet has been rotated to drain away from the access road.
- Ditch 7a is now Conveyance Ditch 7a. This ditch has been widened from a triangular ditch to a trapezoidal ditch with bottom width of 8'. Stone check dams have been added within the ditch.

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- Wet Swale 7 has been added to provide stormwater water quality volume retention. Wet Swale 7 has been enhanced with a riprapped forebay and concrete check dams with v-notch weirs. A riprapped sediment forebay has also been added at the outlet of Wet Swale 7 prior to entry into Dry Detention Pond 7.
- Swales have been added along both sides of the southernmost access road. A driveway culvert has been added under the apron of this driveway as well.
- Cross sections have been added to the plans detailing all dry detention ponds, pocket ponds, and wet swales.
- Temporary Sediment Traps 8/10a and 8/10b have been designed and added to the erosion control plans.
- Skimmers have been added to Temporary Sediment Basin 3 and Temporary Sediment Trap 5 to ensure 90% sediment removal efficiency in these areas where disturbance is occurring within 100' of a stream or wetland.
- Construction phasing has been detailed consistent with the DEEP Stormwater General Permit requirements.

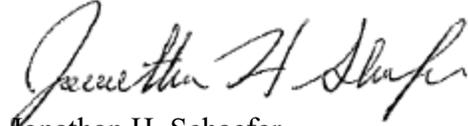
SRL has also made modest modifications to its tree clearing plans. These modest modifications will result in an additional 0.6 acres of trees being removed. The modifications are mostly the result of the adjustment to the limit of disturbance (LOD) for the southern array near the Wilson Road access road and to accommodate installation of the overhead electrical intraconnection from the central array east of Wilson Road across Gulf Stream, under Wilson Road, and into the array west of Wilson Road. More details on these modifications and plans can be found in the Updated Tree Clearing Phasing, which is enclosed as **Attachment 2**.

The Resource Protection Measures provided in the Site Civil Design on Sheet C003 (Environmental Notes) have also been updated to include monitoring by a wetland scientist to ensure Gulf Stream is protected during the utility crossing work. The Environmental Notes also contain the most up to date notes and satisfy the species protection measures as noted in the DEEP NDDDB Determination letter dated April 28, 2022.

If you have any questions or need any additional information regarding the proposed construction schedule, please feel free to contact me.

Melanie A. Bachman, Esq.
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Sincerely,



Jonathan H. Schaefer

Copy to (via email):

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The Honorable Elinor C. Carbone, Mayor, City of Torrington

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The Honorable Denise Raap, First Selectwoman, Town of Litchfield

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