



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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### VIA ELECTRONIC MAIL

December 5, 2018

TO: Parties and Intervenors

FROM: Melanie Bachman, Executive Director *MB*

RE: **PETITION NO. 1347** – GRE GACRUX 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 16.78-megawatt AC solar photovoltaic electric generating facility located at 117 Oil Mill Road and associated electrical interconnection to Eversource Energy's existing substation at 325 Waterford Parkway North in Waterford, Connecticut. **GRE GACRUX LLC Petition for Reconsideration.**

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Comments have been received from the Connecticut Department of Energy and Environmental Protection, Water Permitting and Enforcement Division, dated December 4, 2018. A copy of the comments is attached for your review.

MB/RDM/lm

c: Council Members



December 4, 2018

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

**Re: Petition 1347 – GRE Gacrux LLC**

Dear Ms. Bachman:

I write in regard to the above-referenced petition and the proposed construction of a 16.78 MW solar photovoltaic electric generating facility at a site located on Oil Mill Road in Waterford. As you know, the Siting Council denied the petition without prejudice on October 26, 2018. DEEP is aware that the petitioner has filed a petition for reconsideration in accordance with the Uniform Administrative Procedure Act and offers the following in response to the petition for reconsideration.

DEEP urges the Siting Council to affirm the decision it made to deny the petition without prejudice. There are numerous concerns regarding the planned development of this site from a natural resource and water-quality perspective. DEEP remains concerned about the timber harvest that was conducted at the site without any coverage under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (General Permit) and wants to ensure the comprehensive wildlife survey required by the Siting Council's decision is performed before any further clearing or site preparation can occur. Given the total disturbance at the site as a result of the timber harvest and its documented connection to the planned development into the proposed solar photovoltaic electric generating facility, the review of wildlife information should have been conducted prior to any site disturbance as part of the registration application for coverage under the General Permit.

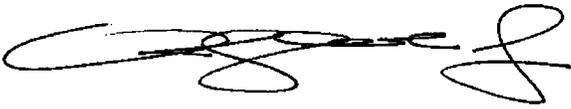
In addition, as part of the registration application for coverage under the General Permit and prior to any approval from the siting council, the petitioner should address the numerous water quality concerns DEEP raised in its comment letter dated August 20, 2018. The overall water quality issues call for robust planning for phasing and stabilization throughout the construction process to ensure the proposed development can meet the standards for coverage under the General Permit, including those particular to discharges to impaired waters. This is especially true given the site's topography and the final grading needed to make it viable as a solar development. Sites that cannot meet the requirements for coverage under the General Permit are required to apply for and obtain an individual permit to address the discharges from such a site. DEEP's review of the required registration application should be performed prior to

any further approval by the Siting Council to ensure water quality concerns are addressed and, most importantly, before further disturbance of the site occurs.

The petitioner has provided neither good cause for reconsideration at this time nor information that addresses previously-raised and significant concerns. The Siting Council should affirm its decision to deny the petition without prejudice until better information is provided to address wildlife and water-quality concerns raised by DEEP and others.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Oswald Inglese, Jr.", with a stylized flourish at the end.

Oswald Inglese, Jr.  
Director  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance