



Jesse A. Langer
(t) 203.786.8317
(f) 203.772.2037
jlanger@uks.com

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**VIA FEDERAL EXPRESS AND
ELECTRONIC MAIL**

Melanie.bachman@ct.gov
Siting.council@ct.gov

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

**Re: Petition of CP Middletown Solar I, LLC and CP Middletown Solar II, LLC
for a Declaratory Ruling that a Certificate of Environmental Compatibility
and Public Need is not Required for the Construction, Operation and
Maintenance of a 1 MW AC and a 0.986 MW AC Solar Photovoltaic Electric
Generating Facility Located off of Meriden Road (Route 66) in Middlefield
and Middletown, Connecticut.**

Dear Attorney Bachman:

This office represents CP Middletown Solar I, LLC and CP Middletown Solar II, LLC ("Petitioners") in connection with the above-mentioned Petition. Petitioners have received and reviewed the letter from Randy Bernotas, the Town of Middlefield ("Town") Inland Wetland Enforcement Officer, dated May 8, 2019 ("Bernotas Letter") and the letter from the Town's Engineer, Brian C. Curtis, P.E., dated May 16, 2019 ("Engineer Letter"). On behalf of Petitioners, I submit the following response to those letters, of which an original and fifteen (15) hardcopies shall follow by federal express.

Initially, Petitioners very much appreciate the Town's support of the proposed solar photovoltaic electric generating facilities ("Projects"), with a combined output of 1.986 MW, located off of Meriden Road (Route 66) in the Town and the City of Middletown. Please see Attachment 7 to the Petition. Petitioners have maintained a continued dialogue with the Town and welcome these additional comments.

Updike, Kelly & Spellacy, P.C.
8 Frontage Road ■ East Haven, CT 06512-2101 (t) 203.467.7337 (f) 203.468.7865 www.uks.com

Bernotas Letter

Mr. Bernotas was present at the field review, which occurred on May 15, 2019. Mr. Bernotas was an active participant and asked the very same questions posed in his letter. He indicated that he was satisfied with the responses provided by Petitioners' representatives. I offer those responses for the record.

Question # 1. As stated in the decommissioning sequence, item 8 lists, "Remove Access Road." The access road was present prior to commencement and removal would not be reclaiming site to preconstruction condition. Is the extended portion of the Access Road what is inferred?

Yes, the decommissioning plan refers to the improvements made by Petitioners, including the extended portion of the existing access road. Decommissioning would consist of the removal of the solar infrastructure and improvements, and the restoration of the site to its preconstruction condition. This would include the extended portion of the access road, unless requested otherwise by the property owner.

Question # 2. Item 7 in the decommissioning sequence calls for the landowner to determine if the 7 ft. chain link security fence will be beneficial and therefore, remain. If the site is to be returned to preconstruction condition, the fence will have to be removed or the landowner will need to take the necessary permitting steps at the land use office, Town of Middlefield. Again can that be clarified in the petition?

Petitioners would be responsible for restoring the site to its preconstruction condition, including removal of the fencing. The decommissioning process falls under the Connecticut Siting Council's ("Council") jurisdiction. Most uses contemplated by the owner subsequent to the Projects and within the boundaries of the Town would likely fall within the Town's jurisdiction. If the property owner would like to retain the fence, and that fence is within the legal boundaries of the Town, then they would need to interface with the Town directly.

And lastly, this office would like to be included in any monitoring schedule i.e., E and S controls, quarterly site inspections, and restoration activities should they occur.

Any construction progress reports required would be posted on the Council's website. As a general matter, Petitioners would continue their open dialogue with the Town concerning the status of the projects.



Engineer Letter

At Page 1: The result of this analysis indicates that post-development runoff rates after installation of the rows of photovoltaic panels will be less than pre-development runoff rates for existing conditions. . . . Site plans show the provision of a perimeter of silt fence to control sedimentation during construction, but no stormwater management structures or water quality features are proposed for the treatment or detention of stormwater runoff before it reaches the inland wetlands or watercourses.

The proposed access road would be constructed of AASHTO #57 Course Aggregate Stone (40% Voids) to a depth of 6 inches, which accounts for the minimal reduction of stormwater runoff. Accordingly, the site as proposed would not generate an increase in stormwater runoff as provided in the stormwater calculations contained in Attachment 11 of the Petition. Therefore, the Projects do not require stormwater management structures or water quality features.

Page 2: Based on our engineering review of the proposed plan, we do not agree with the assertion that ground cover with the panels in place will be the same as existing pre-development conditions.

Petitioners have not proposed clearing or grubbing on the site, with the exception of the small wind row of trees. As such, the existing ground cover and its attendant root system would remain intact within the solar array and would have the positive effect of stabilizing the majority of the site through construction. Petitioners would stabilize the limited disturbed areas with a native seed mix.

Petitioners have developed ground mounted solar projects in the northeast. The vegetation under the solar panels in these projects has not been impacted. This is largely because solar panels tilted at 20 degrees expose the ground vegetation to sunlight.

Page 2: In addition, when the rows of panels run up and down slope more or less perpendicular to ground topographic contours, drainage from the drip line of the panels accumulates along the row from one panel to the next running down slope, which decreases sheet flow and increases shallow concentrated flow.

The rows of panels are not all water tight; therefore, any stormwater that falls at the top of the panel may not reach the bottom drip edge. Stormwater could leave the bottom edge of the top panel or side edge of both the top and bottom panels.

Additionally, for a majority of the site, the ground topographic contours are close to parallel, or in between parallel and perpendicular, to the rows of panels. Accordingly, a decrease of sheet flow is not expected because the water will move



away from the panels as it falls off the drip edge. In the locations where the ground topographic contours are at or close to perpendicular with the rows of panels, the percent grade of the existing ground ranges from 1 percent to 5 percent. Therefore, any potential increase in shallow concentrated flow would have a limited velocity increase.

At Page 2: It is requested that the Siting Council require the design engineer to address these effects of constructing the rows of photovoltaic panels and provide appropriate stormwater detention/infiltration and/or stormwater treatment practices to protect the water quality of adjacent inland wetlands and watercourses.

As a threshold matter, Petitioners would note respectfully that the Department of Energy and Environmental Protection ("DEEP") exercises jurisdiction over stormwater. Regardless, Petitioners paid particular attention to the ecology of the site and developed the Projects based on that ecology. Petitioners have proposed erosion and sedimentation controls that protect adjacent wetlands and watercourses and meet or exceed DEEP's requirements and best practices. Furthermore, Petitioners are in the process of submitting an application to register under DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewater from Construction Activities.

Please do not hesitate to contact me with any questions.

Very truly yours,



Jesse A. Langer

