

**Petition No. 1137**  
**Amendment #2**  
**Response to Town of Lebanon Review Letter**  
**August 28, 2018**

On August 28<sup>th</sup>, 2018 Windham Solar LLC received via the Connecticut Siting Council a review letter from Yantic River Consultants, LLC of Petition No. 1137 Amendment #2 documents. The review was performed for the Town of Lebanon, on behalf of the towns consulting engineer. The Town of Lebanon was initially noticed of the Amendment on July 12<sup>th</sup>, 2018. Windham Solar LLC, reached out again via E-mail for comments on the facility on August 9<sup>th</sup>, 2018. It is Windham Solar LLC understanding that the solar facility is not locally approvable, and the amendment of the solar facility lies upon the review of the Connecticut Siting Council.

Windham Solar has reviewed the letter and discussed the concerns with Yantic River Consultants, LLC. Upon further discussion with Yantic River Consultants, LLC, and the engineer of record CLA Engineers, LLC. Windham Solar's design initially attempted to keep as much of the solar facility out of the upland buffer areas instead of locating the infrastructure where the natural grades are the most accommodating for the solar facility. The Town's sensible approach prefers that we stay out of the steeper slope areas and instead encroach the buffer to the isolated hillside seep wetland that has little to no wetland functions. Given the Town's suggestions we propose to revise the project footprint to account for the Town's preferred approach. Attached to this response is the revised project site plan, which includes the following changes:

1. The project footprint removes 144 modules in the western area (1 of the 25 inverters on the project), the projects nameplate of 1.0MW AC will remain the same.
2. The west fence line remains in place, protecting the steep slopes beyond the fence line, after discussions with the YRC, LLC this was their primary concern.
3. The site will have a perimeter 15' clear access from fence line to nearest module with drivable grades for project construction, operations and maintenance. This clear area will also provide a vegetated buffer around the project, prior to the steep slopes to the south and west.
4. The steepest location around the perimeter of the site is 15% in the SE corner.
5. The project has been revised to drain to a single basin, and there is direct unimpaired access to maintain the basin.
6. Row spacing of the project stays at 22' (9.5' aisle spacing between rows) this aisle spacing is accessible by skid-steers, and mowing equipment, as well as simple vehicular traffic. The 15' perimeter access eliminates the requirement to attempt to drive larger equipment down these rows.
7. No grading internal to the array will be required, grading/leveling the base of the ballast will occur/or aggregate will be placed and leveled on a foundation by foundation basis.

It obviously would have been better to have received the Town's input much earlier (as the Town has had the plan since July 12, 2018), but Windham has been able to respond quickly, and will after approval from the Siting Council, continue to work with the Town during project construction to address any other concerns.

Windham Solar LLC's engineer of record for the project (CLA Engineers, LLC) is currently revising the project's hydrology and revising the civil plan set to address the towns request. Elements of these revisions will also be amended in the project's current SWPCP upon the completion of the plans.

As Windham explained in its letter to the Siting Council regarding PE1220, contrary to the conclusory assertion in DEEP's letter in that proceedings, which was repeated in DEEP's letter dated August 29, 2018, in this proceeding, Windham's Lebanon site is fully compliant with the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (the "General Permit"). Windham invites the Council to visit the site to see for itself the excellent condition of the site. DEEP's now familiar tactic of a last-minute comment designed to disparage Windham and interfere with Windham's projects, is not about Windham's performance at the Lebanon site because Windham quickly addressed all deficiencies alleged by DEEP. Rather DEEP has some other agenda at play here against Windham that has nothing to do with the amendment to this already approved project.

Windham Solar, LLC requests that the Siting Council approve Amendment #2 of the facility on August 30<sup>th</sup> as opposed to delaying the approval. As DEEP has shown and explained in its letters, it has the ability to take action against Windham if Windham is in violation of any required permits. The Siting Council should not allow itself to be used as a tool by DEEP to address issues that DEEP is responsible for addressing on its own, without any involvement by the Siting Council.

Thank you,

A handwritten signature in black ink, appearing to read "Steve Broyer", is written over a horizontal line.

Steve Broyer  
Windham Solar, LLC

CC: Phil Chester , Town of Lebanon  
Brandon Handfield, Yantic River Consultants, LLC

