



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

January 22, 2025

Melanie Bachman, Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051
Melanie.Bachman@ct.gov

PETITION NO. 1655 – Borrelli Solar LLC (Petitioner) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.99-megawatt AC solar photovoltaic electric generating facility and associated equipment to be located at 179 and 197 Borrelli Road, East Haven, Connecticut, and associated electrical interconnection.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) supports the development of clean energy facilities on appropriate sites in Connecticut. The Council offers the following comments regarding Petition 1655.

Public Water Supply and Spill Prevention

The Council notes that the groundwater underlying the proposed site is classified by the Department of Energy and Environmental Protection (DEEP) as “GAA”. This classification indicates groundwater within the area is presumed to be suitable for human consumption without treatment. Designated uses in GAA classified areas include existing or potential public supply of water suitable for drinking without treatment and baseflow for hydraulically-connected surface water bodies. The Council also notes that the proposed site might be within a public water supply watershed of the Regional Water Authority (RWA). The Council recommends that the Petitioner: 1) review and incorporate the protective measures identified in the Department of Public Health’s “General Construction Best Management Practices for Sites within a Public Drinking Water Supply Area” guidance document, and 2) notify the RWA and East Shore District Health Department prior to the commencement of construction.

The Council notes that Exhibit A, Sheet 11 contains some provisions for “Spills and Accidental Discharges”. The Council supports efforts to eliminate spills and accidental discharges and recommends that the Petitioner develop and implement a Spill Prevention Plan to protect groundwater and wetland resources, especially in the northeastern portion of the proposed site, that could include: 1) requiring that refueling and/or servicing of vehicles and machinery be done on an impervious surface and at least 100 feet from wetlands, 2) properly storing fuel and other hazardous materials on the proposed site, and 3) providing a fuel spill kit(s) onsite for construction contractors and training the contractors on its proper use.

Wildlife

The Council notes that the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation tool (IPaC) indicates that there is the possibility that northern long-eared bat (NLEB), a species that has recently been reclassified as “endangered” under the

Keith Ainsworth
Acting Chair

Timothy J. Bishop

Linda Bowers

Christopher Donnelly

David Kalafa

Aimee Petras

S. Derek Phelps

Denise Rodosevich

William Warzecha

Paul Aresta
Executive Director

Endangered Species Act, and tri-colored bat (TCB), a species proposed for official listing as endangered, might occur in the vicinity of the proposed project area. The Council also notes that DEEP's Northern Long-eared Bat Map, dated July 24, 2023, identifies North Branford, the town immediately north of East Haven, as an area with known "Summer and Winter Occurrence" of NLEB. Since the Petitioner states that between 1.71 and 3.75 acres of tree clearing will be needed for the proposed project, the Council recommends that the Petitioner consult with DEEP's Wildlife Division and implement any recommended protective measures, such as time of year restrictions on tree removal, to minimize any potential impacts on NLEB and TCB.

The Petitioner states that "on May 2, 2023, the Petitioner submitted a request to DEEP for NDDDB¹ for review of the Property and the Facility's footprint" and "NDDDB review documented the potential presence of the Sand blackberry (*Rubus cuneifolius*) – State Special Concern, in the vicinity of the Site". The Petitioner also notes that a qualified botanist was hired to perform a field survey of the proposed site to determine the presence or absence of the Sand blackberry on the proposed site and no Sand blackberry was discovered. However, Appendix F NDDDB Determination only includes the original letter, dated July 21, 2023, requesting additional information with detailed instructions for the survey report. The Council recommends that the Petitioner provide a final determination from NDDDB as to whether it concurs with the findings of the botanical survey, if available.

Stormwater and Erosion Control

The Petitioner states that "the site's current grading design implements the state of Connecticut's 2002 CT Guidelines for Erosion and Sedimentation Control as well as the permeant stormwater treatment requirements outlined by the 2004 CT Stormwater Quality Manual". The Council recommends that the Petitioner utilize updated methods and techniques for minimizing erosion and sedimentation, based on the best currently available technology, as identified in the revised 2024 Connecticut Guidelines for Soil Erosion and Sediment Control and the 2024 Connecticut Stormwater Quality Manual, effective date March 30, 2024.

Wetlands

The Petitioner states that "the Facility's solar footprint was designed to avoid the delineated wetlands features entirely, and provide a 50-foot buffer around them". The Council notes that Connecticut's General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, (General Permit), APPENDIX I Stormwater Management at Solar Array Construction Projects states that "no solar panel associated with a solar array shall be located within one-hundred (100) feet of any wetland or waters ("the 100-foot setback") that, prior to or after construction, is located downgradient of such construction activity..." and that "there shall be an undisturbed buffer of at least fifty (50) feet between any construction activity at a site and any wetland or waters that, prior to or after construction, is located downgradient of such construction activity ("the 50-foot buffer"). Such buffer shall be comprised of existing dense herbaceous vegetative ground cover (e.g. not forested area). If the entirety of such buffer is not comprised of existing dense herbaceous vegetative ground cover, such buffer shall be at least one-hundred (100) feet ("the 100-foot buffer")." The Council recommends that the Petitioner comply with the setback requirements of the General Permit to minimize potential impacts to wetland resources.

Soils

The Petitioner notes that a Phase I investigation of the proposed site "identified a recognized environmental condition ("REC") due to former depressions and possible fill material, and current soil piles on the subject property". Following a Phase II investigation of the proposed site, the Petitioner's consultant, GZA, indicated that "because TPH, certain PAHs and pesticides were detected in the subsurface soil boring samples, below a regulatory criterion, GZA recommends that a soil and materials management plan (SMMP) be prepared to provide direction for the management and/or disposal/reuse of these soils if they are to be disturbed during construction of the proposed solar array". The Petitioner also notes that the property owner removed and disposed "of all onsite soil stockpiles to an appropriate offsite facility prior to

¹ Natural Diversity Database (NDDDB)

acquisition of the site”. The Council recommends that the Petitioner consult with DEEP’s Remediation Division, within the Bureau of Water Protection and Land Reuse, to determine if the actions undertaken to partially remediate the site, and the proposed “Soil Management Plan” are appropriate or if additional actions/measures are required for the proposed reuse.

Noise

The Petitioner notes that “the noise study concludes that the noise level during the operation of the Facility will be 36.6 dBA” and that “the Noise Study also concludes that the noise level of the operating Facility as heard from all surrounding homes will be below the existing daytime ambient noise levels in the area.” However, it is unclear if the predicted noise level of 36.6 dBA would be at the nearest home (BLD H) or if its applicable to the “adjacent noise zones” or property line. The Council recommends that the Petitioner confirm that the proposed facility would be in compliance with applicable noise standards at the adjacent noise zones when in full operation.

Visibility and Vegetation

The Petitioner states that “to soften visual impacts from the nearest abutter to the west, a proposed arborvitae tree hedge is to be installed along the Facility’s fence line”. The Council recommends that the Petitioner consider utilizing native, deer-resistant species that would be of sufficient size to effectively screen the proposed facility. The Petitioner also notes that an old wood road wraps around the west side of the forested portion of a traprock knoll along the western property line, and “downgradient of this wood road, to the west, mature forest on a very steep, off-site hillside serves as an excellent buffer, up to 120 feet wide, between the northern array and three residences along Thompson Road”. The Council recommends that the Petitioner assess the visual impact of the proposed facility from neighboring residential properties and maintain the vegetated buffer along the west side of the property to the greatest extent practicable.

The Council’s comments above addresses only certain elements of the materials provided by the Petitioner at the time of the filing. Additional information can become evident through comments offered by other parties and during the Siting Council’s administrative hearing process. The absence of comment(s) by this Council about any Petition or Application, or any aspects thereof, may not be interpreted as an endorsement of a proposed project, or its components or that this Council might not have comments or concerns on more specific issues raised during the hearing process.

Thank you for your consideration of the Council’s comments.

Sincerely,



Paul Aresta
Executive Director