



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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November 6, 2015

TO: Parties and Intervenors

FROM: Melanie Bachman, Acting Executive Director *NAB*

RE: **PETITION NO. 1195** - SolarCity Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a 4.05 Megawatt Community Shared Solar Photovoltaic Electric Generating facility located on municipally-owned property at 1240 Poquonnock Road, Groton, Connecticut.

Comments have been received from the Connecticut Department of Public Health, dated November 5, 2015. A copy of the comments is attached for your review.

MB/MP/lm

c: Council Members

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

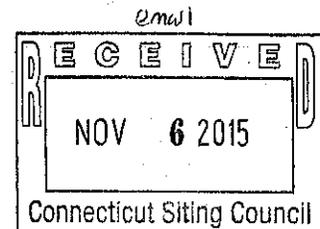
Jewel Mullen, M.D., M.P.H., M.P.A.
Commissioner



Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

November 5, 2015

Melanie Bachman
Acting Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051



RE: Petition No. 1195 SolarCity Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (CECPN) is required for the proposed construction and operation of a 4.0 Megawatt Community Shared Solar Photovoltaic Electric Generating facility located on municipally-owned property at 1240 Poquonnock Road, Groton, Connecticut.
DPH Project No.: 2015-0347

Dear Ms. Bachman:

The Drinking Water Section of the Connecticut Department of Public Health ("CT DPH") respectfully submits these comments in response to the Petition of SolarCity Corporation ("SolarCity") for a Declaratory Ruling ("Petition") that SolarCity submitted to the Connecticut Siting Council on October 9, 2015, pursuant to sections 4-176 and 16-50k(a) of the Connecticut General Statutes (*Conn. Gen. Stat.*). In its Petition, SolarCity requested that the Connecticut Siting Council (CSC) approve by declaratory ruling SolarCity's proposed location and construction of an approximately 4.05 megawatt solar electric generating facility ("the Facility") on municipally owned land at 1240 Poquonnock Road, Groton, Connecticut.

The CT DPH has reviewed the above noted Petition. The project is proposed to be located on land that is within the public water supply watersheds of Poquonnock Reservoir and Smith Pond and also contains three water supply wells all of which are sources of public drinking water for the customers of Groton Utilities (GU), PWSID# CT0590011. In addition to providing public drinking water to the City and Town of Groton, GU maintains five interconnections that actively supply public drinking water to the Noank Fire District, Groton Long Point Association, Montville Water Supply, Ledyard Water Pollution Control Authority and Aquarion Water Company—Mystic System and additional capability to provide an emergency source of public drinking water to the East Lyme Water and Sewer Commission, New London Public Utilities,



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the Waterford Water Pollution Control Authority and Norwich Public Utilities through the Thames River Regional Pipeline. GU is a regionally important supplier of public drinking water in the southeastern portion of the State of Connecticut.

In Connecticut, public drinking water supply watershed areas, including class I and class II water company land, have been protected and preserved for public health and water quality and quantity protection. Numerous unique state laws and policies exist that provide Connecticut's watershed areas with special protections. Each of these laws under the multi-barrier approach has preserved Connecticut's special watershed areas to assure long term public drinking water quality and to protect public health. Use of these watershed lands for commercial, residential or industrial purposes or for recreational use that requires intense development is inconsistent with the multi-barrier approach and the intent of the water company land laws.

A specific watershed protection Connecticut law as administered by the CT DPH is a requirement for a change of use permit pursuant to section 25-32 of the *Conn. Gen. Stat.* This law requires a water company who wishes to move forward with any change of use of water company land to apply to the CT DPH for a permit prior to moving forward with construction. The subject project is proposed to occupy 13.5 acres of land owned by the Town of Groton. It is directly adjacent to the two previously noted reservoirs and less than 500 feet from the GU water treatment plant intake. This land is designated as class 1 and 2 water company land (aka. class I and class II) on a map titled "Groton Watershed Property Class 1, 2, and 3 Land" dated 7/12/12 and provided with GU's most recent water supply plan submitted to the CT DPH. Under *Conn. Gen. Stat.* section 25-32, GU would be required to apply to the CT DPH for a change of use permit prior to any construction on their water company land in order for this project to move forward.

Given the concerns expressed by the CT DPH for the protection of the public drinking water supply watershed lands, including water company land and the water supply, the CT DPH offers the following comments:

- It does not appear from the Petition filing, that alternative locations for this facility were considered. During a review of alternatives, the vetting process must be fully cognizant and respectful of Connecticut's public health laws that protect the public drinking water supply, including the requirements and restrictions under *Conn. Gen. Stat.* section 25-32.
- The Petition materials do not appear to fully evaluate the potential impacts to the public drinking water sources of supply and public health during construction, operation and decommissioning of the proposed facility. In fact, the Petition simply states that "no liquid fuels are associated with the operations of the Project. Therefore, the Project will have no adverse environmental effect on water resources including the Groton water supply and treatment system."
- The Petition materials fail to acknowledge the three public water supply wells located at this address. Potential impacts to these sources of public drinking water should also be considered by the Connecticut Siting Council in rendering its decision.

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- The CT DPH acknowledges that its role in this matter is advisory to the Siting Council; however, given the CT DPH's statutory authority over the proposed activities, it is requested that SolarCity be required to go through GU to obtain a water company land change in use permit from the commissioner of public health prior to the CSC's determination that this project may move forward either by approving the petition or requiring submission of an application for CECPN. If the CT DPH determines, based upon the water company land change in use application materials that the proposal is approvable, the CT DPH can incorporate conditions within a permit that prohibits construction of a project prior to receiving approval from the CSC and nullifies a permit should the CSC reject the application.

Thank you for the opportunity to comment on this petition. If you have any questions, you may contact Patricia Bisacky of my staff at 860-509-7333.

Sincerely,



Lori J. Mathieu
Public Health Section Chief
Drinking Water Section

Cc: Richard Stevens, Groton Utilities
Ronald Gaudet, Director of Utilities, Groton Utilities
Marian K. Galbraith, Mayor, City of Groton and Chairperson, Groton Utilities Commission
Mark Oelfinger, Town Manager, Town of Groton
Frank Socha, Noank Fire District
Paul A. Morosky, Groton Long Point Association
Brian Lynch, Montville Water Supply
John Rodolico, Ledyard WPCA
John Walsh, Aquarion Water Company
Bradford Kargl, East Lyme Water and Sewer Commission
Peter Vetter, New London Public Utilities
Peter M. Green, Waterford WPCA
John Bilda, Norwich Public Utilities
Stephen Mansfield, Director of Health, Ledge Light Health District
Dr. Michael Blefeld, Director of Health, Stonington Health Department
Patrick McCormack, Director of Health, Uncas Health District