

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

CANDLEWOOD SOLAR, LLC PETITION FOR : PETITION NO. 1312  
DECLARATORY RULING THAT NO :  
CERTIFICATE OF ENVIRONMENTAL :  
COMPATIBILITY AND PUBLIC NEED :  
IS REQUIRED FOR A 20.0 MEGAWATT :  
AC SOLAR PHOTOVOLTAIC ELECTRIC :  
GENERATING FACILITY IN NEW MILFORD :  
CONNECTICUT : SEPTEMBER 19, 2017

**THE DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION'S  
RESPONSES TO THE TOWN OF NEW MILFORD'S INTERROGATORIES**

The Department of Energy & Environmental Protection ("DEEP") submits this response to the Town of New Milford's First Set of Interrogatories in the above referenced Petition.

**Q1. If the Siting Council were to approve the above-referenced Project ("Project") and Candlewood Solar, LLC ("Candlewood Solar" or "Developer") were to later dissolve, cease operating, or become financially insolvent either during or after Project construction, would Ameresco, DEEP, the Siting Council, or any other public or private entity or agency be responsible for taking over, operating, and/or decommissioning the Project? If so, please state the name of such entity or agency and describe its responsibilities under these circumstances.**

A1. DEEP objects to this Interrogatory as it goes beyond the scope of DEEP's status as a party to this petition proceeding. Subject to the foregoing objection, DEEP shares concerns regarding the decommissioning process and anticipates that decommissioning will be further addressed in the evidentiary hearing.

In regards to the decommissioning process, to the extent that decommissioning disturbs the land, a permit from DEEP may be necessary. Prior to decommissioning, the Petitioner should consult with DEEP on any permits that may be required due to land disturbance. DEEP's *Stormwater Management at Solar Farm Construction*

*Projects* outlines DEEP’s authority: “Construction-related land disturbances of 0.5 acres or larger are regulated in Connecticut pursuant to the Connecticut Soil Erosion and Sediment Control Act under Sections 22a-325 to 22a-329, inclusive, of the Connecticut General Statutes (“CGS”). Construction-related land disturbances of one (1) acre or larger are also regulated under CGS Section 22a-430 and under Section 402(p) of the federal Clean Water Act and the National Pollutant Discharge Elimination System (“NPDES”) program. Prior to the start of such regulated activities, authorization is required from local authorities and, for larger projects, the Connecticut Department of Energy and Environmental Protection (“Department”). Construction projects involving five (5) or more acres of land disturbance require an individual NPDES discharge permit from the Department, or may be eligible to register for coverage under the Department’s NPDES General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (general permit).” *See Stormwater Management at Solar Farm Construction Projects*, attached as Exhibit A.

**Q2. If Candlewood Solar fails to comply with, fails to follow, or defaults on its Development and Management Plan and/or Decommissioning Plan, what public or private entity or agency would have primary responsibility to ensure and enforce compliance with said Plans, complete decommissioning, and/or ensure site restoration? Will DEEP assist with these activities, if necessary?**

DEEP objects to this Interrogatory as it goes beyond the scope of DEEP’s status as a party to this petition proceeding. Subject to the foregoing objection, DEEP does not promulgate either a Development and Management Plan or a Decommissioning Plan and cannot speak to who would have the responsibility to ensure and enforce compliance with said plans. However, DEEP shares concerns regarding the decommissioning process and anticipates that decommissioning will be further addressed in the evidentiary hearing. Prior to decommissioning, the Petitioner should consult with DEEP on any permits that may be required due to land disturbance.

DEEP’s *Stormwater Management at Solar Farm Construction Projects* outlines DEEP’s authority: “Construction-related land disturbances of 0.5 acres or larger are regulated in Connecticut pursuant to the Connecticut Soil Erosion and Sediment Control Act under Sections 22a-325 to 22a-329, inclusive, of the Connecticut General Statutes (“CGS”). Construction-related land disturbances of one (1) acre or larger are also regulated under CGS Section 22a-430 and under Section 402(p) of the federal Clean Water Act and the National Pollutant Discharge Elimination System (“NPDES”) program. Prior to the start of such regulated activities, authorization is required from local authorities and, for larger projects, the Connecticut Department of Energy and Environmental Protection (“Department”). Construction projects involving five (5) or more acres of land disturbance require an individual NPDES discharge permit from the

Department, or may be eligible to register for coverage under the Department's NPDES General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (general permit)." See *Stormwater Management at Solar Farm Construction Projects*, attached as Exhibit A.

**Q3. To DEEP's knowledge, are there any insurance products and/or performance bonds available to Candlewood Solar, the Siting Council, the State of Connecticut, the Town, or any other entity or agency to ensure Candlewood Solar complies with its Development and Management Plan and/or Decommissioning Plan in the future? If so, please describe these products or bonds and how they may be obtained.**

A2. DEEP objects to this Interrogatory as it goes beyond the scope of DEEP's status as a party to this petition proceeding. Subject to the foregoing objection, DEEP shares the Town of New Milford's concerns regarding ensuring that this project will be properly decommissioned without undue disturbance to the environment at this project's conclusion. DEEP encourages the Siting Council to address issues of insuring proper decommissioning in the petition proceedings. Specifically, what evidence exists that the value of the array at the time of decommissioning will be sufficiently valuable to preclude abandonment?

**Q4. What will be the response of Candlewood Solar, DEEP, and the Siting Council, respectively, to an emergency erosion control and/or stormwater management failure at the Project during construction if sediment or muddy water is flowing into a wetland or watercourse or Candlewood Lake or its watershed, or sediment is accumulating on Town roads or into the Town's MS4? How quickly will Candlewood Solar be required to respond? How quickly will DEEP and/or the Siting Council respond?**

A3. DEEP objects to this Interrogatory as it goes beyond the scope of DEEP's status as a party to this petition proceeding. Subject to the foregoing objection, DEEP is not currently reviewing a stormwater permit application from the Petitioner for this project. Without further information, DEEP cannot speculate as to the appropriate regulatory vehicle for the construction of this project. Without knowing the regulatory vehicle, DEEP cannot answer the Town of New Milford's Interrogatory.

DEEP shares the Town of New Milford's concerns regarding erosion control of all solar construction projects and directs the Town of New Milford to DEEP's *Stormwater Management at Solar Farm Construction Projects* which outlines DEEP's authority: "Construction-related land disturbances of 0.5 acres or larger are regulated in Connecticut pursuant to the Connecticut Soil Erosion and Sediment Control Act under Sections 22a-325 to 22a-329, inclusive, of the Connecticut General Statutes ("CGS"). Construction-related land disturbances of one (1) acre or larger are also regulated under

CGS Section 22a-430 and under Section 402(p) of the federal Clean Water Act and the National Pollutant Discharge Elimination System (“NPDES”) program. Prior to the start of such regulated activities, authorization is required from local authorities and, for larger projects, the Connecticut Department of Energy and Environmental Protection (“Department”). Construction projects involving five (5) or more acres of land disturbance require an individual NPDES discharge permit from the Department, or may be eligible to register for coverage under the Department’s NPDES General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (general permit).” *See Stormwater Management at Solar Farm Construction Projects*, attached as Exhibit A.

DEEP anticipates working with the Petitioner on these issues in the future as the Environmental Assessment acknowledges that DEEP’s General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities is required. (Environmental Assessment, p. 10).

**Q5. What will be the response of Candlewood Solar, DEEP, and the Siting Council, respectively, to a failure of the stormwater management system once the Project is constructed? After construction, will DEEP or the Siting Council respond to stormwater impacts on adjoining properties including the Town roads, rights of way, the Town's MS4, any nearby wetland or watercourse or Candlewood Lake or its watershed?**

A4. DEEP objects to this Interrogatory as it goes beyond the scope of DEEP’s status as a party to this petition proceeding. Subject to the foregoing objection, DEEP is not currently reviewing a stormwater permit application from the Petitioner for this project. Without further information, DEEP cannot speculate as to the appropriate regulatory vehicle for the construction of this project. Without knowing the regulatory vehicle, DEEP cannot answer the Town of New Milford’s Interrogatory.

DEEP shares the Town of New Milford’s concerns regarding stormwater impacts of all solar construction projects and directs the Town of New Milford to DEEP’s *Stormwater Management at Solar Farm Construction Projects* which outlines DEEP’s authority: “Construction-related land disturbances of 0.5 acres or larger are regulated in Connecticut pursuant to the Connecticut Soil Erosion and Sediment Control Act under Sections 22a-325 to 22a-329, inclusive, of the Connecticut General Statutes (“CGS”). Construction-related land disturbances of one (1) acre or larger are also regulated under CGS Section 22a-430 and under Section 402(p) of the federal Clean Water Act and the National Pollutant Discharge Elimination System (“NPDES”) program. Prior to the start of such regulated activities, authorization is required from local authorities and, for larger projects, the Connecticut Department of Energy and Environmental Protection (“Department”). Construction projects involving five (5) or more acres of land disturbance require an individual NPDES discharge permit from the Department, or may

be eligible to register for coverage under the Department's NPDES General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (general permit)." See *Stormwater Management at Solar Farm Construction Projects*, attached as Exhibit A.

DEEP anticipates working with the Petitioner on these issues in the future as the Environmental Assessment acknowledges that DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities is required. (Environmental Assessment, p. 10).

**Q6. Specifically, how will Candlewood Solar, DEEP, and the Siting Council, respectively, address the Town's or neighbors' concerns for visual impacts after the Project is complete? To DEEP's knowledge, will Candlewood Solar be required or willing to install additional landscaping? Does the Siting Council or DEEP have any legal authority to review or ameliorate the Project's visual impacts after Project construction?**

A6. DEEP objects to this Interrogatory as it goes beyond the scope of DEEP's status as a party to this petition proceeding. Subject to the foregoing objection, DEEP anticipates that the visual impact of the project will be further addressed in the evidentiary hearing.

**Q7. Specifically, how will DEEP or the Siting Council respond to and resolve the Town's concerns about impacts to the Town's infrastructure, including but not limited to impacts to Candlewood Mountain Road's surface, subbase, curbs and drainage? To DEEP's knowledge, will Candlewood Solar LLC be required or willing to reimburse the Town for fixing any damage caused by construction vehicles or stormwater runoff or sedimentation, or will they work with the Town and hire a subcontractor to fix the damage?**

A7. DEEP objects to this Interrogatory as it goes beyond the scope of DEEP's status as a party to this petition proceeding. Subject to the foregoing objection, DEEP is not currently reviewing a stormwater permit application from the Petitioner for this project. Without further information, DEEP cannot speculate as to the appropriate regulatory vehicle for the construction of this project. Without knowing the regulatory vehicle, DEEP cannot answer the Town of New Milford's Interrogatory regarding the impacts of construction.

DEEP shares the Town of New Milford's concerns regarding the impacts of project construction of all solar projects and directs the Town of New Milford to DEEP's *Stormwater Management at Solar Farm Construction Projects* which outlines DEEP's authority: "Construction-related land disturbances of 0.5 acres or larger are regulated in Connecticut pursuant to the Connecticut Soil Erosion and Sediment Control Act under Sections 22a-325 to 22a-329, inclusive, of the Connecticut General Statutes ("CGS"). Construction-related land disturbances of one (1) acre or larger are also regulated under CGS Section 22a-430 and under Section 402(p) of the federal Clean Water Act and the National Pollutant Discharge Elimination System ("NPDES") program. Prior to the start of such regulated activities, authorization is required from local authorities and, for larger projects, the Connecticut Department of Energy and Environmental Protection ("Department"). Construction projects involving five (5) or more acres of land disturbance require an individual NPDES discharge permit from the Department, or may be eligible to register for coverage under the Department's NPDES General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (general permit)." See *Stormwater Management at Solar Farm Construction Projects*, attached as Exhibit A.

DEEP anticipates working with the Petitioner on these issues in the future as the Environmental Assessment acknowledges that DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities is required. (Environmental Assessment, p. 10).

**Q8. During construction, who specifically can the Town contact with concerns regarding neighborhood impacts such as vehicles parking in the Town right of way, impacts to the road, erosion concerns, runoff concerns,**

**noise concerns, and/or traffic/speeding concerns? Who can Town residents contact? It would be very helpful to have names and phone numbers. It would be very helpful if there was a direct line for residents to call with concerns about the Project construction, other than the Town offices.**

A8. DEEP objects to this Interrogatory as it goes beyond the scope of DEEP's status as a party to this petition proceeding. Subject to the foregoing objection, DEEP shares the Town of Milford's concerns regarding the developer's responsiveness to the Town of New Milford's residents during the construction phase and urges the Town to reach out to the developer for further information.

**Q9. In DEEP's view, what erosion and sedimentation control and stormwater quality standards should apply to the Project and/or its stormwater management plan during its construction and operation?**

A9. DEEP objects to this Interrogatory as it goes beyond the scope of DEEP's status as a party to this petition proceeding. Subject to the foregoing objection, DEEP is not currently reviewing a stormwater permit application from the Petitioner for this project. Without further information, DEEP cannot speculate as to the appropriate regulatory vehicle for the construction of this project. Without knowing the regulatory vehicle, DEEP cannot answer the Town of New Milford's Interrogatory regarding the impacts of construction.

DEEP shares the Town of New Milford's concerns regarding the impacts of project construction of all solar projects and directs the Town of New Milford to DEEP's *Stormwater Management at Solar Farm Construction Projects* which outlines DEEP's authority: "Construction-related land disturbances of 0.5 acres or larger are regulated in Connecticut pursuant to the Connecticut Soil Erosion and Sediment Control Act under Sections 22a-325 to 22a-329, inclusive, of the Connecticut General Statutes ("CGS"). Construction-related land disturbances of one (1) acre or larger are also regulated under CGS Section 22a-430 and under Section 402(p) of the federal Clean Water Act and the National Pollutant Discharge Elimination System ("NPDES") program. Prior to the start of such regulated activities, authorization is required from local authorities and, for larger projects, the Connecticut Department of Energy and Environmental Protection ("Department"). Construction projects involving five (5) or more acres of land disturbance require an individual NPDES discharge permit from the Department, or may be eligible to register for coverage under the Department's NPDES General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (general permit)." See *Stormwater Management at Solar Farm Construction Projects*, attached as Exhibit A.

DEEP anticipates working with the Petitioner on these issues in the future as the Environmental Assessment acknowledges that DEEP's General Permit for the

Discharge of Stormwater and Dewatering Wastewaters from Construction Activities is required. (Environmental Assessment, p. 10).

**Q10. How often will staff from the Siting Council and/or DEEP be inspecting the site during construction? Who will ensure the erosion control plan is properly implemented? Who will ensure the stormwater management system has been properly constructed?**

A10. DEEP objects to this Interrogatory as it goes beyond the scope of DEEP's status as a party to this petition proceeding. Subject to the foregoing objection, DEEP is not currently reviewing a stormwater permit application from the Petitioner for this project. Without further information, DEEP cannot speculate as to the appropriate regulatory vehicle for the construction of this project. Without knowing the regulatory vehicle, DEEP cannot answer the Town of New Milford's Interrogatory.

DEEP shares the Town of New Milford's concerns regarding project construction of all solar projects and directs the Town of New Milford to DEEP's *Stormwater Management at Solar Farm Construction Projects* which outlines DEEP's authority: "Construction-related land disturbances of 0.5 acres or larger are regulated in Connecticut pursuant to the Connecticut Soil Erosion and Sediment Control Act under Sections 22a-325 to 22a-329, inclusive, of the Connecticut General Statutes ("CGS"). Construction-related land disturbances of one (1) acre or larger are also regulated under CGS Section 22a-430 and under Section 402(p) of the federal Clean Water Act and the National Pollutant Discharge Elimination System ("NPDES") program. Prior to the start of such regulated activities, authorization is required from local authorities and, for larger projects, the Connecticut Department of Energy and Environmental Protection ("Department"). Construction projects involving five (5) or more acres of land disturbance require an individual NPDES discharge permit from the Department, or may be eligible to register for coverage under the Department's NPDES General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (general permit)." *See Stormwater Management at Solar Farm Construction Projects*, attached as Exhibit A.

DEEP anticipates working with the Petitioner on these issues in the future as the Environmental Assessment acknowledges that DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities is required. (Environmental Assessment, p. 10).

**Q11. After construction of the Project, what legal authority will Town agencies or municipal land use enforcement officers have, if any, over the Project?**

A11. DEEP objects to this Interrogatory as it goes beyond the scope of DEEP's status as a party to this petition proceeding. Subject to the foregoing objection, DEEP shares



the Town of Milford's concerns and anticipates that this Interrogatory will be further addressed in the evidentiary hearing.

**Q12. With regard to the Development and Management Plan for the Project, will the Town be offered the opportunity to comment on said Plan and request or suggest modifications? When will that opportunity be offered?**

A12. DEEP objects to this Interrogatory as it goes beyond the scope of DEEP's status as a party to this petition proceeding. Subject to the foregoing objection, the Development and Management Plan is approved by the Siting Council and questions regarding an opportunity to comment and modify should be directed to the Siting Council.

**Q13. In DEEP's experience and knowledge, what is the likelihood of the Project being decommissioned at the end of the anticipated lifespan of its installed solar panels (i.e. 20 to 25 years from installation)?**

A13. DEEP objects to this Interrogatory as it goes beyond the scope of DEEP's status as a party to this petition proceeding. Subject to the foregoing objection, DEEP is aware that the productivity of solar panels decreases over time. Further questions regarding the projected longevity of this array and the options associated with the legal documents of this project are best directed to the Petitioner.

**Q14. To DEEP's knowledge, will the interconnection lines for the Facility cross the natural gas transmission line owned and operated by Iroquois Gas Transmission System, LP located between the Facility and Route 7? If so, does DEEP have any concerns about such a crossing and what are its concerns?**

A14. DEEP objects to this Interrogatory as it goes beyond the scope of DEEP's status as a party to this petition proceeding. Subject to the foregoing objection, DEEP believes that the interconnection lines for the project will cross the Iroquois gas line. DEEP believes that questions and concerns regarding this crossing are best answered by the Petitioner.

**Q15. To DEEP's knowledge, does Candlewood Solar presently have permission, license, easement, option, or other legal right to install interconnection lines for the Project on and across lands owned by FirstLight Hydro Generating Company? If so, what is the nature of any such legal right?**

Q15. DEEP objects to this Interrogatory as it goes beyond the scope of DEEP's status as a party to this petition proceeding. Subject to the foregoing objection, DEEP suggests that questions regarding the legal rights of this project are best directed to the Petitioner.

DEPUTY COMMISSIONERS

ROBERT KALISEWSKI,  
SUSAN WHALEN, AND  
MARY SOTOS

CONNECTICUT DEPARTMENT OF ENERGY &  
ENVIRONMENTAL PROTECTION



By:

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I, Kirsten S. P. Rigney, hereby certify that a copy of the foregoing Department of Energy and Environmental Protection Response to the Town of New Milford's Interrogatories was sent on September 19, 2017, by electronic mail to the following parties on the Service List in this matter:

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**Rescue Candlewood Mountain**

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Kirsten S. P. Rigney

# Exhibit A

## **Stormwater Management at Solar Farm Construction Projects September 8, 2017**

Solar farms are on-the-ground installations of arrays of photovoltaic cell panels, supporting structures and related equipment for the production of electricity. As with other types of construction projects, the construction of solar farms can involve land clearing, grading, excavation, trenching, dewatering and similar activities that create land disturbances which potentially result in soil erosion and sediment discharges polluting wetlands, streams and other surface waters. Construction-related land disturbances of 0.5 acres or larger are regulated in Connecticut pursuant to the Connecticut Soil Erosion and Sediment Control Act under Sections 22a-325 to 22a-329, inclusive, of the Connecticut General Statutes (“CGS”). Construction-related land disturbances of one (1) acre or larger are also regulated under CGS Section 22a-430 and under Section 402(p) of the federal Clean Water Act and the National Pollutant Discharge Elimination System (“NPDES”) program. Prior to the start of such regulated activities, authorization is required from local authorities and, for larger projects, the Connecticut Department of Energy and Environmental Protection (“Department”). Construction projects involving five (5) or more acres of land disturbance require an individual NPDES discharge permit from the Department, or may be eligible to register for coverage under the Department’s NPDES General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (general permit).

The Department has encountered repeated problems associated with solar farm construction projects covered under the general permit, from the registration process through construction activities. Although in no way an exhaustive list, the following are common problems associated with solar farm general permit registration applications and ways to address such problems:

- Applicants have been submitting registration applications that lack the requisite information or the requirements necessary for authorization under the general permit. The Department requires a complete and sufficient application when a registration application is filed, and may reject any registration application it deems to be incomplete or insufficient.
- Applicants are not adhering to the sixty (60) day/ninety (90) day time frame for Department review as required by Section 3(c) of the general permit. While the Department has on occasion shortened the review timeframe, Applicants are expected to allocate no less than the requisite time frame for the registration application review process and must plan accordingly.
- Registration applications for solar farm projects often fail to identify the project’s contractor and sub-contractors. Section 5(b)(1)(viii) of the general permit mandates that this information be included in the registration application.

- Applicants have been repackaging the Siting Council submittal, which is not acceptable. Section 3(c)(2)(D) of the general permit mandates that the application submittal include only materials required to support the Stormwater Pollution Control Plan (“SWPCP”). This information must be up-to-date and accurate. Any superfluous information delays the registration application review process.
- SWPCPs for solar farm projects are often lacking sufficient detail and information. An approvable SWPCP shall include, but not be limited to, the location of all erosion, sediment and stormwater control measures including detailed design cut sheets with supporting calculations, construction means and methods, project phasing (i.e., site planning, pre-construction, construction, and post-construction stabilization, etc.), construction sequencing and a construction schedule.
- The Applicant’s design professional must be well-versed in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (“E&S Guidelines”), specifically the techniques found in Chapter 4, Large Construction Sites, the 2004 Connecticut Stormwater Quality Manual, as well as *current* best management practices (BMPs) recognized by the International Erosion Control Association (IECA), provided such BMPs are equal to or better than the E&S Guidelines.
- From the Department’s perspective, an approvable SWPCP will include methods for avoiding compaction of soils, disconnection and reduction of runoff associated with solar panel arrays, avoidance of concentration of stormwater, and other measures necessary to maintain or improve pre-construction hydrologic conditions.
- Applicants need to follow the SWPCP review checklist when preparing the SWPCP, giving specific attention to post-construction stormwater controls and the development of a detailed long-term maintenance plan to ensure that the SWPCP meets the terms and conditions of the general permit.

Subsequent to authorization for coverage under the general permit, the Registrant is responsible for ensuring compliance with all terms and conditions of the general permit and the approved SWPCP once construction has been initiated. However, for solar farm projects, Registrants often fail to comply with the terms and conditions of the general permit, including the approved SWPCP. In particular, Department staff have observed the following issues that a routine inspection protocol and proper oversight, as required under the general permit, would have prevented, including but not limited to:

- pre-construction site planning and management deficiencies (e.g., existing vegetation, scheduling, training, phasing/sequencing, tree protection, etc.)
- ineffective placement, maintenance, and/or repair of administrative/procedural, vegetative, and structural BMPs (e.g., erosion, sediment and stormwater runoff controls, good housekeeping, materials management, and training)
- lack of thorough inspections
- ineffective or untimely corrective action
- ineffective stabilization practices
- ineffective permanent post-construction controls (i.e., store, treat and direct stormwater quality and quantity to pre-construction levels)

Such issues at solar farm construction projects raise concerns, since such projects often create areas of land disruption larger than the generally accepted BMPs of five (5) acres anticipated under the general permit. As a result, any applicant seeking coverage under the general permit

for a solar farm construction project should take care to address the issues noted above. While by no means exclusive, some recommendations that should be incorporated into a SWPCP to address these issues include:

- Ensuring that only a Professional Engineer and/or Landscape Architect, as defined in Section 2 of the general permit, who meets the qualifications described in Section 5(b)(4)(A)(ii) and who has been approved in writing by the Commissioner, serve as the Commissioner's agent to inspect the site and also serve as the qualified inspector for the purposes of Section 5(b)(4) of the general permit ("authorized professional"). Such authorized professional must remain in good standing with the Connecticut Department of Consumer Protection and be technically and ethically qualified to inspect the site and be retained for the duration of the construction project until the Notice of Termination acceptable to the Commissioner has been filed as described below.
- Ensuring that the authorized professional prepare a proposed inspection checklist to assure the construction project is being conducted in compliance with the terms and conditions of the general permit, and the approved SWPCP is implemented in accordance with the general permit. The inspection checklist shall comply with Section 5(b)(4)(B)(iii) of the general permit, and include a space for the authorized professional's signature and professional stamp.
- Ensuring that the credentials for the authorized professional proposed by the Applicant and the proposed inspection checklist prepared by such authorized professional be submitted for the review and approval of the Commissioner and be included with the registration application for the general permit. No other professional may serve as the authorized professional without the prior submittal of relevant credentials and inspection checklist for the Commissioner's review and written approval.
- Ensuring that the authorized professional personally perform all pre-construction, construction, and post-construction site inspections; perform inspections at the end of any storm event whether or not such storm generates a discharge; and prepare and submit all inspection reports including the supporting inspection checklists in compliance with Sections 5(b)(4)(A) and 5(b)(4)(B) of the general permit.
- Ensuring that the authorized professional report any violations of the terms and conditions of the general permit or the SWPCP to the Commissioner's designee within two (2) hours of becoming aware of such violation, or at the start of the next business day of becoming aware of such violation outside normal business hours and shall, within five (5) days, prepare and submit a signed and stamped written report, which documents the cause of the violation, duration including dates and times, and corrective action taken or planned to prevent future occurrences.
- Ensuring that if circumstances necessitate a revision to the SWPCP, the authorized professional works with the Permittee's design professional to ensure compliance with the terms and conditions of the general permit, and any such change to the SWPCP shall be submitted for the review and written approval of the Commissioner.
- Ensure that the authorized professional reviews all stormwater monitoring reports to evaluate the effectiveness of the SWPCP and to document any adverse impacts that any stormwater controls on the construction site or discharges from the construction site may have on wetlands, streams, any other receiving waterbodies. Such evaluation shall be documented in the inspection reports and inspection checklists performed pursuant to Section 5(b)(4) of the general permit.



- Ensuring that, in the event the authorized professional identifies a violation of the terms and conditions of the general permit, the SWPCP, or otherwise identifies adverse impacts on wetlands, streams or any other receiving waterbodies, that construction activity shall immediately cease and the site stabilized until such violation or adverse impacts have been corrected.
- Ensuring that reporting and record-keeping of all inspection checklists and inspection reports comply with the requirements of Section 5(d) of the general permit, except that a copy shall also be submitted electronically to the Department within ten (10) days from the date such inspection was performed.
- Ensuring that all inspection checklists and inspection reports comply with the requirements for Certification of Documents in Section 5(i) of the general permit, including the requirement that such checklists and reports shall also be prepared, stamped and signed by the authorized professional.
- After completion of a construction project, ensuring that a Notice of Termination is filed in compliance with Section 6 of the general permit, including the requirement that such Notice of Termination be stamped and signed by the authorized professional certifying that such authorized professional has personally inspected and verified that the site has been stabilized following the first full growing season (i.e., April through October) in the year following completion of the construction project.
- Ensuring that any transfer of the registration comply with the requirements of Section 5(m) of the general permit.

These recommendations are by no means intended to be exclusive. To help address the issues noted above, the Commissioner will also be considering the posting of a performance bond or other security, in accordance with Section 22a-6(a)(7) of the Connecticut General Statutes, to assure the solar farm construction project maintains compliance with the terms and conditions of the general permit and the SWPCP.