



Town of Simsbury Conservation Commission

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

1 August 2017

Lisa Heavner, First Selectman
Town of Simsbury
933 Hopmeadow Street
Simsbury, Connecticut 06070

Re: Connecticut Siting Council Petition 1313 of Deepwater Wind LLC (Tobacco Valley Solar)

Dear Ms Heavner:

Thank you for seeking the Commission's input on the proposed solar project. While we lack jurisdiction over the project in our regulatory capacity as Inland Wetlands and Watercourses Agency, it is the statutory role of the Conservation Commission to provide land use advice from a conservation perspective in general and, under Chapter 128, on sedimentation and erosion in particular. We are pleased to share our thoughts with the Board of Selectmen.

Having reviewed and discussed the project materials posted on the Siting Council website, the Commission reached the consensus that if it were within the Commission's power to protect the site's agricultural soils, it would probably seek to do so. Residential or industrial development of the site would portend a complete loss of the agricultural soils, whereas the project could serve as a place holder for later agricultural use. Given that choice, approval of the project was, on balance, to be recommended from a conservation point of view.

To be sure, had this project been submitted to the Commission in its jurisdictional capacity, we would have required more information and documentation on numerous aspects. Lacking that, the Commission nonetheless has several comments and concerns:

1. The petitioner intends to plant a cover crop that would enrich the agricultural soils over the life of the project. It also plans a small demonstration garden of plants to support pollinators. To the extent possible, the Commission would like to see a cover crop identified that is both pollinator-friendly and made up of native plants throughout.
2. The petitioner makes a number of assurances and undertakings upon which the Commission relies. However, it is not always clear whether monitoring and enforcement of those undertakings is to be done by the state, by the town, or not at all. The Commission believes that responsibility should be clarified. If third party monitoring is to be done, it must be paid for. To the extent that the town is burdened by such responsibilities, it should be made whole.

3. The Phase I site assessment's conclusion that the project is not an *establishment* for purposes of the Property Transfer Act is questionable because of the *data gap* represented by the property owner's not making itself available to meet or speak to the consultant regarding the historical uses of the property. The Phase I report noted the presence of an unlabeled, bulging drum with unknown contents. Drums often begin to bulge because the contents of the drum volatilize, and the vapor pressure inside the drum exceeds the strength of the drum. Although the Phase I report did not consider this drum to be a Recognized Environmental Condition, its presence is a strong indicator of poor housekeeping practices relating to storage and management of chemical waste. The Commission recommends removal of this drum as soon as possible to avoid a chemical spill or explosion. Furthermore, the drum itself could provide sufficient basis for triggering the Transfer Act if it contains more than 100 kilograms of hazardous waste (e.g., unused pesticides). In light of the poor housekeeping and chemical waste management practices described above, the Commission considers this a critical data gap in the Phase I assessment. If other waste drums were managed in a similarly cavalier manner, it seems unlikely that they would have been properly disposed of and manifested. The reliance on waste manifest records as the sole indicator of the applicability of the transfer act appears to be inappropriate in this case.

4. Eight groundwater monitoring wells were identified on Parcel 5 during the Phase I environmental assessment. The wells were reported to be in poor condition, and the purpose of the wells was not determined. Monitoring wells in poor condition may act as conduits between contaminants in shallow soil and underlying aquifer that bypass the attenuating effects of vadose zone soil. The Commission recommends that these wells be properly abandoned by a licensed well driller prior to any construction in this area.

5. The Commission recommends that the petition be amended to follow the General Guidance on Development of Former Agricultural Properties issued by the Connecticut Department of Energy & Environmental Protection in March 1999. In addition to a review of the site history, the guidance recommends sampling of shallow soil for persistent pesticide contaminants, such as dieldrin, DDT and breakdown products, chlordane, and arsenic, and evaluation of the residual pesticide concentrations against risk-based concentrations in the Remediation Standard Regulations. If any residual pesticides are detected, the Commission recommends implementing a soil management plan that is consistent with the industrial use of the property, and the establishment of pollinator gardens and public walking areas in specific parts of the site.

6. The petition proposes that public walking paths be developed. The Commission would like to see a plan which illustrates where these features will be located. Other details, such as the means of construction and treatment of walking surfaces should be included.

7. With its specific responsibility for erosion and sedimentation control, and in light of the size and scope of the proposed construction activities, the Commission recommends that a detailed phasing plan be developed and implemented during construction and that a qualified third party periodically inspect the erosion and sediment control measures. The intent would be to limit the areas of exposed soils and ensure that the most appropriate erosion/sediment control measures are provided.

8. Stabilization of the perimeter of the site is a concern. The site is primarily existing agricultural fields with distinct drainage patterns. Storm water drainage currently exits the site in defined paths. As the site is developed, some of the defined paths will be disturbed. It is imperative that areas which become new drainage outlets quickly be identified and stabilized so

that impact to abutting areas, watercourses and aquifers is limited, both during- and post-construction.

9. With the size of the proposed project, construction access requires carefully review. The northern portion of the project appears to be using existing farm roads as the primary construction access. The erosion/sediment control plans show construction access which is 50 ft in length. If this was a plan under local review, the Commission would require extending the construction entrance length due to expected high volume of construction traffic which will use this access.

10. Given the proximity of the site to wetlands, the location of the site within an aquifer protection area, the limited frequency of site visits for maintenance, and the historical use of polychlorinated biphenyls (PCBs) in transformer oil, the Commission is concerned about potential transformer oil spills. The petition does not specify the types or sizes of transformers that will be installed. If oil-cooled transformers are used, an oil leak from the transformers may go unnoticed until the next maintenance visit. Furthermore, the transformer pads will be surrounded by exposed soil where dry clean-up methods will not be appropriate to address spills. Spills from leaky transformers or during changing of transformer oil may be challenging to remediate before the wetlands or aquifer are impacted. The Commission recommends that any transformers used at the site be certified PCB-free. The Commission further recommends that the applicant be required to implement best practices, consistent with the town's aquifer protection area regulations, related to spill prevention, including secondary containment of transformer oil containers and equipment, an inspection schedule and record keeping, an emergency response plan, and a spill prevention plan specific to changing of transformer oil.

11. The proposal has perimeter fencing both exterior (for screening) and interior (for security). With all the fencing around the project, the Commission would recommend the applicant consider mitigation methods which may prevent negative impacts on wildlife corridors, such as elevating fencing off ground level so that smaller animals can pass under the fencing.

12. The Commission is concerned that the Decommissioning Plan might not be robust enough to assure that resources are sufficient to deal with economic and other changes over the life of the project.

13. The Commission has noted that there are two wetland crossings (flags 6-223, 6-200, 6-600 and 6-158) shown on surveys but not revealed in the text. More disclosure of the impacts of those crossings is obviously needed.

The foregoing list of comments and concerns is not exhaustive. Were we acting in a jurisdictional capacity, we would require much more information.

Respectfully submitted,



Simsbury Conservation Commission
by Margery Winters
its Chairman