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January 16, 2019

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Connecticut Department of Energy and Environmental Protection  
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CONNECTICUT'S  
LARGEST  
LAND TRUST  
CELEBRATING  
10,000  
ACRES  
CONSERVED

*Re: Comments on Candlewood Solar LLC Stormwater Pollution Control Plan  
Application # 201816062 prepared by Wood Environment & Infrastructure Solutions,  
Inc. date 12/19/18*

Dear Sir/Madam;

Weantinoge Heritage Land Trust Inc. (Weantinoge) is hereby submitting comments in reference to the application for a General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities from Candlewood Solar LLC. We appreciate the opportunity.

While Weantinoge has some specific comments related to the application materials themselves, we also have two requests:

1. **We request the comment period be extended to either 90 days from the date of submission of the permit application or 90 days after the date the Commissioner of DEEP determines whether the project will fall under a General or Special/Individual permit.** The application is a massive 393 page technical document. Under the current timetable, commenters had only 2 weeks to review and submit their comments. DEEP will likely need twice that time to review the application. The requested extension will give the concerned public adequate time to go through the documents and extensive record kept by the Siting Council.
2. **We request that this project be reviewed as a Special/Individual Permit, not as a General Permit, due to its potential significant impacts to the waters of the State.** The proposed Candlewood Solar project is a large-scale industrial development on undeveloped lands with poor access, shallow soils, and proximate residential uses. It "will encompass approximately 83.5 acres of disturbed ground (page 10)" and will require the complete clearing, removal, grubbing, and destruction of approximately 54 acres of dense core forest on up to 25% slopes. The project sits above Candlewood Lake, an immensely popular public recreational waterbody. The large-scale clearing and shallow soils may result in dramatically increased run off and sediments entering waters of State, including sensitive vernal pools. There are factual inaccuracies and omissions in the application documents. CT DEEP provided extensive comments before the CT Siting Council concerning adverse impacts of the project. The Town of New Milford is against this project. The project is the subject of a lawsuit currently in trial before CT Superior Court. Therefore, this project requires and deserves a higher level of public scrutiny than that afforded by the General Permit process since it will have such widespread, adverse impacts on public resources,

including potential impacts to the waters of the State due to dramatic changes in the land cover from the extensive clearing.

The following are specific comments on the pending application. If the comment period is extended as requested, we will have additional comments and questions:

- Page 1. Is the owner listed incorrectly? On or about 12/4/18, the property was purchased by Candlewood Clean Power LLC located in Massachusetts (source: Town of New Milford “Mapgeo” website and deeds).
- Page 2. “The solar PV array parcel itself is partially wooded...” Inaccurate statement. The parcel as shown in all project documents is **mostly wooded**. The project will require the overall disturbance of 83.5 acres and the complete clear cutting of approximately 54 acres of identified core forest.
- Page 5. “One naturally occurring vernal pool (“VP”) which is also a forested inland wetland (Wetland V), was identified and delineated.” Inaccurate statement. On numerous project maps, there are 2 vernal pool complexes identified and labeled, including in Figure 7 “Vernal Pool Map” in the Siting Council’s “Findings of Fact” dated 12/21/2017 and pages 342 and 343 of the application. *This misidentification of multiple vernal pools is consistent across many of the project documents, especially the engineered drawings and plans (see Drawings C 101 and C 105).*
- Drawing C 107. Stormwater devices are located right up against the property line, providing no buffer from neighboring properties. It is unclear if they can be properly maintained without encroaching or trespassing.
- Drawing C 107. These manufactured devices discharge stormwater directly onto neighbors’ lands as concentrated outflows, therefore changing the nature of water leaving the site. In addition, the fencing is shown to run right through many of these devices, making maintenance and clean-out of them difficult. If these devices are not properly maintained, they are likely to negatively impact adjacent properties and proximate waters of the State, including the Housatonic River and Candlewood Lake.
- Page 296, (p. 48 of the Siting Council’s “Findings of Fact”), page 301, 336 and 342 (and in numerous other portions of the application). The applicant has repeatedly represented that it will conserve undeveloped portions of the property with a local conservation organization and have named Weantinoge as such an entity.

“Upon receipt of all final environmental permits and approvals, Candlewood Solar and its land development partner, New Milford Clean Power, LLC, will select a qualified local land conservation organization or group with which to convey the parcel under a conservation easement. The conservation easement will allow named, passive and non-destructive activities and exclude development, mineral extraction, timber harvesting (except for habitat management) and other alterations of its natural state. The completion of the transaction to deed the subject conservation parcel to a local trust or similar entity will be accomplished once the Project is fully entitled and permitted. The developer of the parcel hosting the Project, New Milford Clean Power, LLC, in cooperation with Candlewood Solar will deed approximately 100-acres (located on the Facility parcel [approximately 70-acres] as well as on an

adjacent parcel [approximately 30-acres] also controlled by the developer) to a local land conservation trust or similar entity as permanently conserved land. (p. 334).”

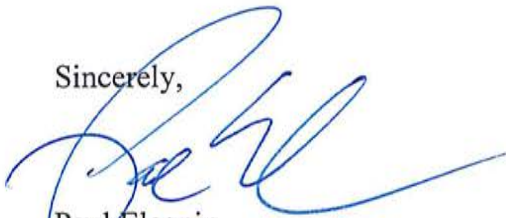
This statement ignores the process by which conservation easements are completed with non-profit organizations and assumes that a local non-profit will accept an easement because it is offered. New Milford Clean Power cannot simply “select” an organization with which to complete a conservation easement—the organization and its Board of Directors must review the conservation merits and terms and vote to accept the conservation interest. **Currently, there is no written or verbal agreement between any conservation organization and the applicant or the property owner to conserve any portion of the property before, during, or after construction.** This representation should be stricken from any record or consideration of this application and not used as the basis for any mitigation of impacts or offset of environmental destruction.

- Page 319 (p. 10 of the Incidental Take report) and #264 of the Findings of Fact. Slimy salamander surveys were conducted in September and October, 2017 yet “The optimal time of year to capture slimy salamanders in Connecticut is between May and June (Findings of Fact page 34).” Given the direct impacts to salamander habitat and the sensitivity of this species, the surveys should be redone before any permit is issued. CT DEEP itself has stated in documents that the project will have “direct adverse impacts” to the slimy salamander. *No permit should be issued as the nature of these impacts cannot be accurately quantified and estimated with the inadequate surveys completed to date.*
- Page 344. This map shows virtually no potential salamander habitat within the immediate confines of the project area, yet surveys were not completed within the optimal time of year to capture the salamanders. This map should not be considered an accurate representation of potential habitat unless and until further surveys are undertaken.

In conclusion, this application is incomplete and inaccurate. We urge you to require a Special/Individual Permit and public hearing thereon and deny registry under this General Permit application due to the significant threatened impairment to the waters of the State.

Thank you for the opportunity to comment.

Sincerely,



Paul Elconin  
Director of Land Conservation

cc: Oswald Inglese, Jr., Director (via email [oswald.inglese@ct.gov](mailto:oswald.inglese@ct.gov))