



Comments on proposed draft modifications to the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities

February 13, 2020

Thank you for the opportunity to comment on the draft modifications to the General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. In particular, I want to thank the Commissioner and DEEP for specifically addressing large-scale solar installations in this permit.

General Comments

2004 CT DEEP Stormwater Quality Manual – Updates and modifications to stormwater management programs highlight the dire necessity to update DEEP’s Stormwater Quality Manual. Changes over the past decade in precipitation patterns where our region has seen more frequent, short duration storms delivering heavy precipitation are wreaking havoc on our waterways. Increases in sediment loads, chlorides, bank destabilization, and accelerated habitat loss for aquatic critters (just to name a few) are further exacerbated by increases in impervious surface and loss of buffer zones protecting our waterways and wetlands. We must have a Stormwater Quality Manual that acknowledges and adequately addresses these changes.

Meeting our renewable energy goals while maintaining environmental quality and goals for open space and prime farmland – Energy generation from solar is essential to meeting Connecticut’s clean energy goals and reducing our reliance on fossil fuels. However, achieving these goals must not be at odds with Connecticut’s ambitious goals for water quality, core forests and preserving prime farmland. The addition of “Appendix I- Stormwater Management at Solar Array Construction Projects” is critical in making sure the right conditions are put in place to address the large amount of impervious surface created by large-scale solar installations as well as the large area of land disturbance during construction and installation.

Conditions of the General Permit

Stormwater Pollution and Control Plan

The permit must specifically state that a certified Erosion and Sediment Control Plan, that addresses erosion and sediment control during construction as well as post-construction, must be part of the Stormwater Control Plan.

Independent, third party inspections by a qualified professional are critical.

An opportunity to protect high quality waters to protect cold-water species

Rivers Alliance agrees with the comments of the Connecticut Council of Trout Unlimited (submitted by John Kovach and Sal DeCari on Feb 7th) on adding conditions to protect Coldwater Fish Resources (CFRs). Thermal limits have yet to be better integrated into Connecticut's Water Quality Standards to be truly protective of cold water fish species and healthy river ecology. Despite threats from climate change exacerbated by land use changes that continue to degrade our high quality waters, Connecticut has not updated or even considered updating its temperature criteria. High quality headwater streams and tributaries not under the protection of public water supply are at the mercy of the strength or weakness of inland wetland and zoning ordinances that vary greatly across our 169 cities and towns, as does the rigor of stormwater permitting. This is an opportunity to provide protections for habitat for CFRs.

Memoranda of Agreement between DEEP and Conservation Districts

It is vital that the Conservation Districts have a role in providing technical assistance on erosion and sediment control for construction projects. The Districts are a neutral third party with the expertise to assist with review of E&S plans and conduct inspections during construction and through final stabilization. With the expected rapid loss of staff at DEEP over the next few years, DEEP should be relying more on Districts for erosion and sediment control issues.

Stormwater Management at Solar Array Construction Projects

Thank you, again, for including specific conditions for solar arrays in this update of the permit. Addressing the runoff issues that have been observed at several solar project sites, both during installation and post-installation, through permitting will go a long way in helping us meet our clean energy goals while not undermining our mandate to protect and improve water quality.

However, we feel that the conditions do not go far enough. Rivers Alliance concurs with the “Proposed Stormwater Standards for Ground Mounted Solar Arrays” submitted by Steve Trinkaus and would like to reinforce the following:

- Roadways, gravel surfaces and transformer pads within the solar array should be considered 100% impervious for all stormwater calculations, not just for Water Quality Volume.
- Requiring the utilization of native plants for post-construction planting and prohibition of the unnecessary use of chemical fertilizers, herbicides and pesticides.

Additionally, the standards need to specifically address the challenges presented during construction, not just post-construction. A critical component of controlling erosion throughout the installation is managing how water flows across the site once construction activities start. Although it may be possible to design for sheet flow conditions post-construction, achieving adequate protection is especially difficult during construction given the natural contours of a property, the use of heavy equipment, extent of vegetation removal, and the extreme storm events resulting from global climate change. We need to consider requiring “worst case scenario” analysis, frequent site inspections during construction, and third-party peer review and oversight paid for by the developers during the construction phase to ensure the integrity of the stormwater management systems.

Finally, it is essential that (1)(e) under “Design and construction requirements” remains as a condition in this section of the permit or, perhaps, further improved. This condition requires that a 100-foot buffer be maintained between any part of the solar array and any wetlands or waters. To improve this condition, the buffer should be vegetated and a 150 foot buffer would be even better.

Thank you again for the opportunity to comment.

Sincerely,



Alicea Charamut
Executive Director

About Rivers Alliance: Rivers Alliance was formed to fight for sound water policies at the state and federal levels, to provide education on water resources, and to advocate for any person or group striving to protect water. If you want clean, free-flowing and healthy rivers, and high-quality drinking water, Rivers Alliance is here to help.