



State of Vermont

Department of Fish and Wildlife
Department of Forests, Parks and Recreation
Department of Environmental Conservation

AGENCY OF NATURAL RESOURCES
OFFICE OF PLANNING
1 National Life Drive – Davis 2
Montpelier, Vermont 05620-3901

December 1, 2016

Via Email and U.S. Mail
Judith Whitney, Clerk
Vermont Public Service Board
112 State St., Drawer 20
Montpelier, VT 05620-2701
PSB.Clerk@vermont.gov

Docket No. #16-0042-NMP:

Petition of Orchard Road Solar I, LLC (“Petitioner”) for a Certificate of Public Good (“CPG”) pursuant to 30 V.S.A. § 219a and 248 authorizing the construction and operation of a 500 kW Group Net-Metered Solar Photovoltaic Facility (“Project”) to be located at 30 Orchard Road in Middletown Springs, Vermont

The Agency of Natural Resources (“Agency”) has reviewed the Petition, comments filed by other parties and the Public Service Board’s (“Board”) November 10, 2016 memo. In response to the Board’s November 10 memo, the Agency offers the following comments.

Neighbors of the Project parcel express concern that soil disturbance during Project site preparation and construction may cause any chemicals applied during past orchard operations to mobilize and enter surface waters or groundwater. The Neighbors comments include specific concerns related to lead and arsenic. The Agency does not regulate the application of pesticides at orchards and the Agency has no specific information related to the presence of lead or arsenic in the soils at this Project site.

As a general matter, lead and arsenic in soil have relatively low environmental mobility. In this instance, the risk of these potential contaminants entering surface waters or groundwater as a result of soil disturbance would appear to be low. The nearest groundwater supply well known by the Agency is roughly estimated to be 800 feet from the Project site and the nearest river or waterbody is approximately 1,300 feet away. However, as a precaution and to limit the risk of mobilization of any chemicals that may be contained in the soil, the Agency recommends that the Project comply with the Low Risk Site Handbook for Erosion Prevention and Sediment Control

(August 2006). The prefiled testimony of Seth Goddard, at pages 3-5, indicates that the Petitioner intends to do so.

Thank you for the opportunity to comment on the Project. Please do not hesitate to contact me at (802) 505-0396 or karin.mcneill@vermont.gov.

Sincerely, /s/ Karin McNeill

Karin McNeill
Regulatory Policy Analyst, Agency of Natural Resources

Cc:

Orchard Road Solar I LLC - Geoff Hand, Esq. and Victoria Westgate, Esq.
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