

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Compliance filings required by certificate of public good)
issued in Docket 7628, Lowell Mountain 63 MW wind)
electric generation facility) Case No. 20-1400-LCOMP

AFFIDAVIT OF JASON LISAI

1. My name is Jason Lisai. I am Director of Generation Operations at Green Mountain Power (“GMP”). My business address is 163 Acorn Lane, Colchester, VT, 05446
2. In my role as Director of Generation Operations, I oversee the operation and maintenance of GMP’s wind, fuel, and hydro generation assets, including the Kingdom Community Wind project (“KCW Project” or “Project”) located in Lowell, Vermont. I was involved in the permitting and construction of the KCW Project, and I work directly with our field staff on all aspects of the operations and maintenance of the Project on behalf of our customers. As part of this work, I helped to coordinate the development and evaluation of certain minor proposed changes in the stormwater control features for the Project, which are the focus of this non-substantial change (“NSC”) motion.
3. The purpose of my affidavit is to describe the proposed minor changes to the existing stormwater system, discuss why the changes are necessary, and summarize why the proposed changes do not have the potential for substantial impact under any of the relevant Section 248 criteria and will not result in any undue adverse impacts under the criteria. My affidavit is supported by the affidavit of Mr. Robert Wildey, PE of VHB, who discusses the proposed changes to the Project in more detail, summarizes VHB’s evaluation of the changes to the Project, including consultation with the Agency of Natural Resources prior to submitting

this motion, and describes why the proposed changes to the Project do not have the potential for a significant impact under any of the natural resource criteria under Section 248, and do not change the Commission's prior conclusions on these criteria.

4. The KCW Project consists of 21 wind turbines and associated access roads, crane paths, electrical lines, a substation, and an operations and maintenance building, plus stormwater control measures to manage stormwater from impervious surfaces on the Project site.
5. The Project received a Certificate of Public Good ("CPG") from the Vermont Public Utility Commission ("PUC" or "Commission") on May 31, 2011 and commenced operation in December 2012.
6. As required under Condition 29 of the CPG, GMP obtained an Individual Stormwater Discharge Permit ("INDS Permit") from the Agency of Natural Resources ("ANR") Department of Environmental Conservation ("DEC") for treatment of stormwater from impervious surfaces during operation of the facility. The INDS Permit was issued by DEC on August 19, 2011 (Permit #6216-INDS) pursuant to Vermont's Stormwater Management Manual. The permit authorized a sophisticated stormwater treatment system, which was designed to meet Vermont's stringent State Water Quality Standards. The system consists of 16 stormwater ponds, 31 level spreaders, 5 grass channels, and 1 infiltration basin, and was constructed and has been operated in accordance with the terms of the INDS Permit.
7. The change GMP proposes in this motion involves the relocation of four (4) existing stormwater level spreaders to nearby locations on the KCW Project Parcel, which will be a minor change to the overall stormwater management at the site. Level spreaders are one of the types of stormwater treatment practices authorized in the original INDS Permit. This type of practice was selected in order to minimize the amount of tree clearing, grading, and

disturbance required for stormwater treatment and to maintain to the extent practicable existing hydrology by distributing treatment practices more evenly across the KCW Project Parcel, with each level spreader treating a relatively small and nearby area of impervious surface. The proposed changes to the Project will use the same treatment practice but will slightly relocate four of these level spreaders to facilitate maintenance of these features in the future. The 27 other level spreaders, 16 stormwater ponds, 5 grass channels, and 1 infiltration basin that comprise the remainder of the stormwater management system for the Project will not be altered in any way. The proposed changes are described further in Mr. Wildey's affidavit, and are shown on Exh. GMP-RAW-2, attached to Mr. Wildey's affidavit.

8. The purpose of these relocations is to better enable on-going maintenance and monitoring of the level spreaders over the remaining life of the Project, and to ensure that all of the KCW Project infrastructure is located on the KCW Project Parcel. As part of the post-construction as-built survey work for the Project, it was determined that small portions of four level spreaders slightly overlapped the adjoining Project mitigation parcels (which were obtained pursuant to the Memorandum of Understanding with ANR and Condition 15 of the CPG to help mitigate the Project's impact on natural resources). The Project's stormwater system was constructed in accordance with the ANR-approved stormwater plans, however, due to an unintentional mapping discrepancy, small portions of these four level spreaders slightly overlapped the adjoining Project mitigation parcels. In particular, portions of three level spreaders and their associated drainage infrastructure were located on 0.31 acres of mitigation parcels 2 and 3, and the vegetated buffer areas relating to four level spreaders encompassed another 0.91 acres within mitigation parcels 2, 3, and 3a. These features represent a total of 1.23 acres out of the combined total of 345 acres between these

three conserved mitigation parcels (which make up a portion of the over 1,000 acres conserved as part of the Project).

9. GMP notified ANR, the Department of Public Service (“DPS”), and the Commission promptly in December of 2013 after becoming aware of this mapping discrepancy, and noted it would coordinate with ANR to address any potential impacts associated with the mitigation parcels. *See* Docket 7628, GMP letter of 12/20/13. GMP worked with ANR to identify appropriate corrective actions, and as a result, entered into an agreement in which GMP agreed to provide renewable energy mitigation and oversight stewardship funds (“2014 ANR Agreement”). This agreement was filed with the Commission on April 2, 2014 and no further action was taken by the Commission.
10. Although the 2014 ANR Agreement did not require relocation of the level spreaders, after further consultation with ANR, GMP has determined that it would be advisable to relocate the stormwater features that intersect the mitigation parcels in order to improve GMP’s ability to monitor and maintain this infrastructure and also to ensure that all stormwater features are fully contained within the KCW Project Parcel.
11. By relocating these features, GMP will avoid entering the mitigation parcels to periodically remove accumulated sediment and recompact crushed stone within the level spreaders, as is required to maintain their effectiveness. The relocation will ensure all project infrastructure is on land controlled by GMP, and will also address the underlying landowner’s desire that all Project features be located on the KCW Project Parcel for clarity in the future. The proposed changes to the Project result in limited environmental impacts, and have been designed with appropriate protective measures already reflected in the ANR permit to ensure

that construction does not have the potential for significant impacts under any Section 248 criteria, and will not result in any undue adverse impacts under these criteria.

12. As shown on Exh. GMP-RAW-2, and discussed in more detail in Mr. Wildey's affidavit, the following physical changes will be made to four stormwater features:

- Existing Level Spreader #8 (LS-A8) will be removed and relocated to a new location approximately 450 feet north from the present location.
- Existing LS-A9 will be removed and replaced with two smaller level spreaders, designated as LS-A9a and LS-A9b. These new level spreaders will be located on the opposite side of the access road and east of the existing location by approximately 200 feet and 400 feet, respectively.
- Existing LS-A24 will be removed and relocated approximately 300 feet to the west.
- Existing LS-C16 will be removed and relocated approximately 20 feet to the west.

13. The proposed changes to these four treatment practices will not involve a change in the specific conditions of operational stormwater permit #6216-INDS. The relocated level spreaders will be the same type of treatment practices that are covered by the "New Design Alternative System" referenced in the INDS Permit and for which a monitoring study has been completed and the results submitted to DEC. That study included detailed analysis of three of the site's 31 level spreaders and demonstrated that they comply with the requirements of the 2002 Vermont Stormwater Management Manual. Shifting the level spreaders within the same subwater shed and treating the same runoff will be done under the existing INDS.

GMP has also confirmed with ANR that the relocation and minor changes will be reflected in the upcoming renewal of the INDS permit.

14. The proposed changes to the Project will result in approximately one acre of soil disturbance during construction, and GMP has obtained authorization under VT DEC Construction Stormwater General Permit (#3-9020) for this work, which is categorized as low risk. The area of disturbance includes a construction of the new level spreaders, and a minimal amount of disturbance to remove the existing level spreaders and associated ditch turn-outs, but will not involve any changes to the vegetated buffers within the mitigation parcels. GMP will implement all appropriate Erosion Prevention and Sediment Control (“EPSC”) practices during the construction of the Project changes, as required under this authorization. *See* Wildey Aff. at ¶14. ANR has reviewed the proposed level spreader relocations and has determined that no State wetlands permit is required. GMP has obtained approval from the United States Army Corp of Engineers (“USACE”) under Section 404 of the Clean Water Act under General Permit #19 for limited impacts to a small Class III wetland located near one of the proposed relocated level spreader locations. *See* Wildey Aff. at ¶14.
15. ANR has requested that areas disturbed during construction be stabilized and restored to natural conditions as much as possible. Once stabilized, the areas may be allowed to passively regenerate, which is expected given the presence of adequate tree seed sources around these sites to support passive regeneration. In addition, ANR has requested that the reclaimed areas and new level spreader locations be monitored for invasive plant species and that invasive species be removed. This non-native invasive species monitoring and control should continue for at least five years. GMP is agreeable to these requested measures.

16. It is anticipated that the proposed changes to the Project will take 3–4 weeks to complete and are proposed to take place in August 2020. GMP has coordinated with ANR regarding the level spreader relocation project and understands ANR’s request that work at the site is to be avoided between September 1 and December 1 in order to minimize impacts to black bear habitat during the fall feeding season. GMP will work with ANR to meet its expectations on construction during the fall feeding season and would prefer to complete the relocation this year, if possible, but will complete construction next summer in the event there is insufficient time to complete the work after receiving the Commission’s determination on this request.
17. The relocation of these minor Project stormwater features does not implicate or impact the following Section 248 criteria, or the Commission’s original conclusion that the KCW Project complies with these criteria, as outlined in the Commission’s May 21, 2011 Final Order in Docket 7628 (“Docket 7628 Final Order”)
- (b)(1) (orderly development) (Docket 7628 Final Order, Finding 51);
 - (b)(2) (need for project) (Docket 7628 Final Order, Finding 66);
 - (b)(3) (system stability or reliability) (Docket 7628 Final Order, Finding 70);
 - (b)(4) (economic benefit) (Docket 7628 Final Order, Finding 82);
 - Many of the criteria considered under (b)(5) (including air purity, shorelines, aesthetics, municipal/educational services, historic sites, public investments, public health and safety, and greenhouse gases) (Docket 7628 Final Order, Finding 101);
 - (b)(6) (integrated resource plans) (Docket 7628 Final Order, Finding 409);
 - (b)(7) (Vermont Energy Plan) (Docket 7628 Final Order, Finding 412); and

- (b)(10) (transmission facilities) (Docket 7628 Final Order, Finding 417).¹

18. Mr. Robert Wildey of VHB addresses the remaining (b)(5) and (b)(8) environmental criteria, explaining why the proposed changes do not have the potential for significant impact under any of these criteria, or otherwise impact the Commission's finding that the Project will not have an undue adverse impact under these criteria.
19. Based on the above, and further information provided by Mr. Wildey in his supporting affidavit, the proposed changes to the Project will not result in any potential for significant impacts to the identified Section 248 criteria.
20. In the alternative, GMP respectfully requests that the Commission authorize this change as an amendment to the CPG. As described above, and in Mr. Wildey's affidavit, the proposed changes to the Project will not result in any undue adverse impacts under any of the relevant Section 248 criteria.

¹ Section 248(b)(9) (waste-to-energy facilities) is not applicable to the KCW Project.

I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I may be subject to sanctions by the Commission for contempt.

Dated at Colchester, Vermont this 21st day of July, 2020

Respondent Signature

By: 
Jason Lisai