



STATE OF NORTH CAROLINA DEPARTMENT OF ADMINISTRATION

ROY COOPER GOVERNOR MACHELLE SANDERS SECRETARY

June 9, 2017

Ms. Lynn Jarvis North Carolina Department of Commerce Utilities Commission 4325 Mail Service Center Raleigh, North Carolina 27699-4325

# Re: SCH File # 17-E-4600-0446; Amended Application of Johannes Gutenberg Solar, LLC for Certificate to construct a 79.9 MW Solar Photovoltaic Electric Generating Facility in Northampton Co. Docket #SP-5434 Sub 0.

Dear Ms. Jarvis:

The above referenced environmental impact information has been reviewed through the State Clearinghouse under the provisions of the North Carolina Environmental Policy Act.

Attached to this letter are comments made in the review of this document. Because of the nature of the comments, it has been determined that no further State Clearinghouse review action on your part is needed for compliance with the North Carolina Environmental Policy Act. The attached comments should be taken into consideration in project development.

Sincerely,

instal Best

Crystal Best State Environmental Review Clearinghouse

Attachments cc: Region L

Mailing Address: NC DEPARTMENT OF ADMINISTRATION 1301 MAIL SERVICE CENTER RALEIGH, NC 27699-1301 Telephone: (919) 807-2425 Fax: (919) 733-9571 COURIER #51-01-00 Email: state.clearinghouse@doa.nc.gov Location: 116 WEST JONES STREET RALEIGH, NORTH CAROLINA

Website: www.ncadmin.nc.gov

Jun 09 2017



Quality

ROY COOPER Gavernor MICHAEL S. REGAN Secretary

## MEMORANDUM

Crystal Best
State Clearinghouse Coordinator
Department of Administration
Lyn Hardison

Washington Regional Office

From:

RE:

To:

## 17-0446 (15-0563)

Environmental Review – Amended Application of Johannes Gutenberg Solar, LLC for the Certificate to construct a 79.9 MW Solar Photovoltaic Electric Generating Facility Northampton County

Date: June 8, 2017

The Department of Environmental Quality has completed its review of the proposal for the referenced project. The agencies have offered some valuable guidance to be performed prior to applications submittal and ground disturbance which will help reduce any impacts to the natural resources within the project area. The comments are attached for the applicant's review.

Environmental Assistance and Project Review Coordinator Division of Environmental Assistance and Customer Service

If the applicant has any questions pertaining to NCDEQ permitting processes, please suggest to the applicant to contact David Lee, Permit Assistance Coordinator, in the Department's Raleigh Regional Office, (919) 791-4200. The proposed project is located within his geographic working territory.

Thank you for the opportunity to respond.

Attachment

State of North Carolina | Environmental Quality

217 West Jones Street | 1601 Mail Service Center | Raleigh, North Carolina 27699-1601 Washington Regional Office ( 943 Washington Square Mall | Washington, North Carolina 27889





# 

Gordon Myers, Executive Director

# MEMORANDUM

OLIA No. 15-0563

то:	Lyn Hardison, Environmental Assistance Coordinator NCDENR Division of Environmental Assistance and Outreach (DEAO)			
FROM:	Maria T. Dunn, Northeast Coastal Region Coordinator Habitat Conservation Program			
DATE:	May 11, 2015			
SUBJECT:	Johannes Gutenberg Solar, LLC, 74.9 MW Solar Facility, SP-5434 Sub 0, Northamptor County, North Carolina.			

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the subject document and we are familiar with the habitat values of the area. Our comments are provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667e), and North Carolina General Statutes (G.S. 113-131 et seq.).

The applicant proposes to construct a 74.9 MW photovoltaic solar facility located east and west of Cornwallis Road within approximately 1.5 mile radius of the intersection of Cornwallis Road and Highway 186 near Garrysburg, NC.

The NCWRC has reviewed the available information and would like to state concern with the portion of the proposed project that lies within the wooded area. The proposed solar facility is very large and combined with other large facilities will have a cumulative impact to wildlife habitats. In general the NCWRC supports solar facilities located in open areas. However, the conversion of forests and wetlands to support solar development is causing increasing concern due to the loss of wildlife habitat, the fragmentation of wildlife habitat, and vegetative management needed post conversion for wetland and other forested areas. In addition to these concerns, the following statements should be observed:

1. Maintain or establish a minimum 100-foot undisturbed, native forested buffer along each side of perennial streams and 50-foot undisturbed, native forested buffer along each side of intermittent streams and wetlands. Forested riparian buffers provide habitat areas for aquatic and terrestrial wildlife species and travel corridors for terrestrial wildlife. In addition, forested riparian buffers protect water quality by stabilizing stream banks and filtering stormwater runoff.

- 2. Avoid or minimize impacts to wetlands during construction. In addition to providing wildlife habitat, wetland areas perform important functions of flood control and water quality protection. U.S. Army Corps of Engineers Section 404 permits and N.C. Division of Water Resources Section 401 Certifications are needed for any impacts to jurisdictional streams or wetlands. Temporarily disturbed wetland areas should be returned to original soils and contours, and reseeded with annual small grains appropriate for the season (e.g. oats, millet, rye, wheat, or rye grass) and should be allowed to revert to natural wetland vegetation.
- 3. If additional overhead transmission lines will be installed, then measures to minimize impacts to birds should be implemented. These can include increasing line visibility, insulating wires to cover exposed connections, and increasing the distance between wires so no contact with ground or other energized wire can be made. For more information see <a href="http://www.fws.gov/birds/documents/powerlines.pdf">http://www.fws.gov/birds/documents/powerlines.pdf</a>.
- 4. Consider establishing vegetative cover on the site that is beneficial to wildlife such as native warm season grasses. Although a site-specific plan is preferred, for general information on developing vegetative cover on disturbed soils, please see the attached *Seed Mixes for Revegetating Disturbed Sites*. Note: it is important to use all of the components of the Basic Mix. Also, we encourage adding one or more of the native species (found in the table at the end) to the Basic Mix to improve habitat for wildlife species.
- 5. Where feasible, consider establishing grassland habitats on the site. These are drought tolerant and require minimal mowing maintenance once established. Grasslands provide habitat for migratory and resident birds and small mammals particularly if mowing is done only in late winter/early spring after winter cover needs are reduced and before nesting occurs. For more information on grassland habitats and establishment, please contact Laura Fogo, U.S. Fish and Wildlife Service, at (910) 695-3323 or laura\_fogo@fws.gov.
- 6. If pesticides or chemicals will be used for site maintenance, then stormwater runoff from the site should be directed to bio-retention areas prior to discharge to streams or wetlands to provide additional protection for water quality and aquatic and terrestrial wildlife habitats.
- 7. Sediment and erosion control measures should be installed prior to any land clearing or construction. These measures should be routinely inspected and properly maintained. Excessive silt and sediment loads can have numerous detrimental effects on aquatic resources including destruction of spawning habitat, suffocation of eggs, and clogging of gills of aquatic species.
- 8. Measures to mitigate secondary and cumulative impacts can be found in NCWRC's Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality (August 2002; <u>http://www.ncwildlife.org/Portals/0/Conserving/documents/2002\_GuidanceMemorandumforSecondaryandCumulativeImpacts.pdf</u>).

Thank you for the opportunity to comment on this project. If our agency can be of further assistance, please contact me at (252) 948-3916 or at <u>maria.dunn@ncwildlife.org</u>.

# State of North Carolina Department of Environmental Quality INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

## Reviewing Regional Office: <u>RALEIGH</u> Project Number: <u>17-0446</u> Due Date: <u>6/5/17</u> County: <u>Northampton</u>

After review of this project it has been determined that the DEQ permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)		
	Permit to construct & operate wastewater treatment facilities, non-standard sewer system extensions & sewer systems that do not discharge into state surface waters.	Application 90 days before begins construction or award of construction contracts. On-site inspection may be required. Post-application technical conference usual.	30 days (90 days)		
	Permit to construct & operate, sewer extensions involving gravity sewers, pump stations and force mains discharging into a sewer collection system	Fast-Track Permitting program consists of the submittal of an application and an engineer's certification that the project meets all applicable State rules and Division Minimum Design Criteria.	30 days (N/A)		
	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begins activity. On-site inspection. Pre- application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)		
	Water Use Permit	Pre-application technical conference usually necessary.	30 days (N/A)		
	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a groundwater monitoring well located on property not owned by the applicant, and for a large capacity (>100,000 gallons per day) water supply well.	7 days (15 days)		
	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)		
	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100 thru 2Q.0300) Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).		90 days		
$\boxtimes$	Any open burning associated with subject proposal must be in compliance with 15 A NCAC N/A 2D.1900		60 days (90 days)		
	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950	Please Note - The Health Hazards Control Unit (HHCU) of the N.C. Department of Health and Human Services, must be notified of plans to demolish a building, including residences for commercial or industrial expansion, even if no asbestos is present in the building.	60 days (90 days)		
	The Sedimentation Pollution Control Act of 1973 r sedimentation control plan will be required if one by applicable Regional Office (Land Quality Section	must be properly addressed for any land disturbing activity. An erosion & or more acres are to be disturbed. Plan must be filed with and approved n) at least 30 days before beginning activity. A NPDES Construction sued should design features meet minimum requirements. A fee of \$65 is review option is available with additional fees.	20 days (30 days)		
	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable Stormwater conveyances and outlets. (30 days)				
	Sedimentation and erosion control must be addressed in accordance with <u>Local Government's approved program</u> . Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable Stormwater conveyances and outlets.				
	Compliance with 15A NCAC 2H .0126 - NPDES Stormwater Program which regulates three types of activities: Industrial,       30-60 days         Municipal Separate Storm Sewer System & Construction activities that disturb ≥1 acre.       (90 days)				
	Compliance with 15A NCAC 2H 1000 -State Stormwater Permitting Programs regulate site development and post- construction stormwater runoff control. Areas subject to these permit programs include all 20 coastal counties, and various other counties and watersheds throughout the state.				

## Reviewing Regional Office: <u>RALEIGH</u> Project Number: <u>17-0446</u> Due Date: <u>6/5/17</u> County: <u>Northampton</u>

PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)				
Mining Permit	On-site inspection usual. Surety bond filed with DEQ Bond amount varies with type mine and number of acres of affected land. Affected area greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)				
Dam Safety Permit       If permit required, application 60 days before begin construction.         Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, and certify construction is according to DEQ approved plans. May also require a permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage or the total project cost will be required upon completion.		30 days (60 days)				
Oil Refining Facilities	N/A	90-120 days (N/A)				
Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with DEQ running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to DEQ rules and regulations.	10 days N/A				
Geophysical Exploration Permit	Application filed with DEQ at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days N/A				
State Lakes Construction Permit	Application fee based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property	15-20 days N/A				
401 Water Quality Certification	Compliance with the T15A 02H .0500 Certifications are required whenever construction or operation of facilities will result in a discharge into navigable water as described in 33 CFR part 323.	60 days (130 days)				
	ake, Randleman, Tar Pamlico or Neuse Riparian Buffer Rules is required. Asions/water-resources/water-resources-permits/wastewater- 1-buffer-protection-program					
Jordan and Falls Lake watersheds, as part of the n information:	n and phosphorus in the Neuse and Tar-Pamlico River basins, and in the utrient-management strategies in these areas. DWR nutrient offset es/planning/nonpoint-source-management/nutrient-offset-information					
CAMA Permit for MAJOR development	\$250.00 - \$475.00 fee must accompany application	75 days (150 days)				
CAMA Permit for MINOR development	\$100.00 fee must accompany application	22 days (25 days)				
Abandonment of any wells, if required must be in accordance with Title 15A. Subchapter 2C.0100.						
Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.						
Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C. 0300 et. seq., Plans and specifications should be submitted to 1634 Mail Service Center, Raleigh, 30 days North Carolina 27699-1634. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact the Public Water Supply Section, (919) 707-9100.						
If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources/Public Water Supply Section at 1634 Mail Service Center, Raleigh, North Carolina 27699- 1634. For more information, contact the Public Water Supply Section, (919) 707-9100.30 days						
Plans and specifications for the construction, expansion, or alteration of the water system must be approved         through the delegated plan approval authority. Please contact them at for further information.						

# State of North Carolina Department of Environmental Quality INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

Reviewing Regional Office: <u>RALEIGH</u> Project Number: <u>17-0446</u> Due Date: <u>6/5/17</u> County: <u>Northampton</u>

### Other Comments (attach additional pages as necessary, being certain to comment authority)

Division	Initials	No	Comments	Date
		comment		Review
DAQ	DDM			6/2/17
DWR-WQROS (Aquifer & Surface)	DS &RB		<ul> <li>A project that disturbs 1 acre or greater is required to secure an erosion and sedimentation control plan and must comply with construction stormwater permit conditions (NCG010000)</li> <li>The project is in the Roanoke River Basin. Unnamed tributary to Occoneechee Creek, Class C. The map depicted in review packet indicated a streams within the footprint of the project. Note: the soil survey was not reviewed</li> <li>If stream or wetland impacts are proposed, this project will need to comply with/secure a 404 permit from the USACE, obtain a 401 Water Quality Certification, as appropriate.</li> <li>I recommend a stream determination to ensure compliance with 404/401 expectations.</li> <li>&amp;</li> </ul>	6/5/17 6/1/17
DWR-PWS				11
DEMLR (LQ & SW)	CDA			5/12/17
DWM – UST	MRP			6/5/17
Other Comments				11

**REGIONAL OFFICES** 

Questions regarding these permits should be addressed to the Regional Office marked below.

Asheville Regional Office 2090 U.S. 70 Highway Swannanoa, NC 28778-8211 Phone: 828-296-4500 Fax: 828-299-7043

 $\Box$ 

- Raleigh Regional Office3800 Barrett Drive,Raleigh, NC 27609Phone: 919-791-4200Fax: 919-571-4718
- Fayetteville Regional Office 225 Green Street, Suite 714, Fayetteville, NC 28301-5043 Phone: 910-433-3300 Fax: 910-486-0707

- Washington Regional Office 943 Washington Square Mall, Washington, NC 27889 Phone: 252-946-6481 Fax: 252-975-3716
- Winston-Salem Regional Office
   450 Hanes Mill Road, Suite 300, Winston-Salem, NC 27105
   Phone: 336-776-9800
   Fax: 336-776-9797

Mooresville Regional Office 610 East Center Avenue, Suite 301, Mooresville, NC 28115 Phone: 704-663-1699 Fax: 704-663-6040

Wilmington Regional Office 127 Cardinal Drive Ext., Wilmington, NC 28405 Phone: 910-796-7215 Fax: 910-350-2004

 $\Box$ 

# NORTH CAROLINA STATE CLEARINGHOUSE DEPARTMENT OF ADMINISTRATION INTERGOVERNMENTAL REVIEW

COUNTY: NORTHAMPTON

H11: ENERGY RELATED
FACILITIES/ACTIVITIES

STATE NUMBER:	17-E-4600-0446
DATE RECEIVED:	05/09/2017
AGENCY RESPONSE:	06/05/2017
REVIEW CLOSED:	06/08/2017

MR RODNEY BUTLER CLEARINGHOUSE COORDINATOR DNCR - NATURAL HERITAGE PROGRAM 1651 MAIL SERVICE CENTER RALEIGH NC

## REVIEW DISTRIBUTION

DEPT OF AGRICULTURE DEPT OF ENVIRONMENTAL QUALITY DEPT OF NATURAL & CULTURAL RESOURCE DEPT OF TRANSPORTATION DNCR - NATURAL HERITAGE PROGRAM DPS - DIV OF EMERGENCY MANAGEMENT UPPER COASTAL PLAIN COG

#### PROJECT INFORMATION

APPLICANT: N.C. Department of Commerce TYPE: State Environmental Policy Act Environmental Review

DESC: Amended Application of Johannes Gutenberg Solar, LLC for Certificate to construct a 79.9 MW Solar Photovoltaic Electric Generating Facility in Northampton Co. Docket #SP-5434 Sub 0. - View document at http://starwl.ncuc.net/MCUC/portal/ncuc/page/Dockets/portal.aspx, Type SP-5434 . Sub 0 in the Docket Number search line.

Located just east and west of Cornwallis Road within approximately a 1.5 mile radius of the intersection of Cornwallis Road and Hwy 186 in an unincorporated area of Garysburg Township Extra Territorial Jurisdiction, Northampton County, NC

Amended due to the additional parcels and capacity of facility bas also increased.

CROSS-REFERENCE NUMBER: 15-E-4600-0563

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMIT	TTED: NO COMMENT COMMENTS ATTACHED
SIGNED BY:	DATE: 6/2/2017

OFFICIAL COPY

# NORTH CAROLINA STATE CLEARINGHOUSE DEPARTMENT OF ADMINISTRATION INTERGOVERNMENTAL REVIEW

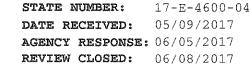
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HISTORIC PRESERVATION OFFICE

COUNTY: NORTHAMPTON

H11: ENERGY RELATED FACILITIES/ACTIVITIES



CH 15-08-49

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MS RENEE GLEDHILL-EARLEY CLEARINGHOUSE COORDINATOR DEPT OF NATURAL & CULTURAL RESOURCE STATE HISTORIC PRESERVATION OFFICE MSC 4617 - ARCHIVES BUILDING RALEIGH NC

## REVIEW DISTRIBUTION

DEPT OF AGRICULTURE DEPT OF ENVIRONMENTAL QUALITY DEPT OF NATURAL & CULTURAL RESOURCE DEPT OF TRANSPORTATION DNCR - NATURAL HERITAGE PROGRAM DPS - DIV OF EMERGENCY MANAGEMENT UPPER COASTAL PLAIN COG

## PROJECT INFORMATION

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Amended due to the additional parcels and capacity of facility has also increased.

CROSS-REFERENCE NUMBER: 15-E-4600-0563

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If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF	THIS REVIEW THE	FOLLOWING IS	SUBMITTED:	NO COMMENT		COMMENTS ATTACHED
SIGNED BY:	Bledlill-	-Earley		DATI	Е:	5.23.17
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Jun 09 2017

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# NORTH CAROLINA STATE CLEARINGHOUSE DEPARTMENT OF ADMINISTRATION INTERGOVERNMENTAL REVIEW

COUNTY: NORTHAMPTON

H11: ENERGY RELATED FACILITIES/ACTIVITIES 
 STATE NUMBER:
 17-E-4600-04

 DATE RECEIVED:
 05/09/2017

 AGENCY RESPONSE:
 06/05/2017

 REVIEW CLOSED:
 06/08/2017

MS DEIRDRE HAMAN CLEARINGHOUSE COORDINATOR DPS - DIV OF EMERGENCY MANAGEMENT FLOODPLAIN MANAGEMENT PROGRAM 4218 MAIL SERVICE CENTER RALEIGH NC

### REVIEW DISTRIBUTION

DEPT OF AGRICULTURE DEPT OF ENVIRONMENTAL QUALITY DEPT OF NATURAL & CULTURAL RESOURCE DEPT OF TRANSPORTATION DNCR - NATURAL HERITAGE PROGRAM DPS - DIV OF EMERGENCY MANAGEMENT UPPER COASTAL PLAIN COG

### PROJECT INFORMATION

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- DESC: Amended Application of Johannes Gutenberg Solar, LLC for Certificate to construct a 79.9 MW Solar Photovoltaic Electric Generating Facility in Northampton Co. Docket #SP-5434 Sub 0. - View document at http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx, Type SP-5434 Sub 0 in the Docket Number search line.

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AS A RESULT	OF THIS	REVIEW THE	FOLLOWING	IS	SUBMITTED:	e NO	COMMENT		COMMENTS	ATTACHED
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MAY 1 1 2017

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Scott Walde

Jun 09 2017

# NORTH CAROLINA STATE CLEARINGHOUSE DEPARTMENT OF ADMINISTRATION INTERGOVERNMENTAL REVIEW

COUNTY: NORTHAMPTON

H11: ENERGY RELATED FACILITIES/ACTIVITIES

	<u>í</u>
STATE NUMBER:	17-E-4600-044
DATE RECEIVED:	05/09/2017 🧾
AGENCY RESPONSE:	06/05/2017 <
REVIEW CLOSED:	06/08/2017 🔮
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MS CARRIE ATKINSON CLEARINGHOUSE COORDINATOR DEPT OF TRANSPORTATION STATEWIDE PLANNING - MSC #1554 RALEIGH NC

## REVIEW DISTRIBUTION

DEPT OF AGRICULTURE DEPT OF ENVIRONMENTAL QUALITY DEPT OF NATURAL & CULTURAL RESOURCE DEPT OF TRANSPORTATION DNCR - NATURAL HERITAGE PROGRAM DPS - DIV OF EMERGENCY MANAGEMENT UPPER COASTAL PLAIN COG

## PROJECT INFORMATION

APPLICANT: N.C. Department of Commerce

TYPE: State Environmental Policy Act Environmental Review



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AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:	NO COMMENT COMMENTS ATTACHED
SIGNED BY: The Jule June	
	Office

DOA