

STATE OF NORTH CAROLINA DEPARTMENT OF ADMINISTRATION

Roy Cooper Governor

Pamela B. Cashwell Secretary

December 15, 2021

Kimberley Campbell North Carolina Department of Commerce Utilities Commission 4325 Mail Service Center Raleigh, NC 27699-4325

Re: SCH File # 22-E-4600-0104 Application of Henry Gibson Solar, LLC for Certificate to construct a 4.99 MW Solar Facility in Scotland County. Docket #SP-5262 Sub 0. View document at http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx, Type SP-5262 Sub 0 in the Docket Number search line.

Dear Kimberley Campbell:

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,

CRYSTAL BEST

Attachments

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 Website: www.ncadmin.nc.gov Location: 116 WEST JONES STREET RALEIGH, NORTH CAROLINA
 Control No.:
 22-E-4600-0104
 Date Received: 11/12/2021

 County.:
 SCOTLAND
 Agency Response: 12/13/2021

Review Closed: 12/13/2021

LYN HARDISON
CLEARINGHOUSE COORDINATOR
DEPT OF ENVIRONMENTAL QUALITY

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Proje	CU	ntor	mati	on

Type: State Environmental Policy Act ironmental Review

Applicant: North Carolina Department of Commerce

Project Desc.: Application of Henry Gibson Solar, LLC for Certificate to construct a 4.99 MW Solar Facility in

Scotland County. Docket #SP-5262 Sub 0. View document at

http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx, Type SP-5262 Sub 0 in

the Docket Number search line.

Located at 8081 Henry Gibson Road, Gibson, North Carolina

As a result of this review the following is submitted:					
	□ No Comment	☐Comments Below	✓ Documents Attached		

Reviewed By: LYN HARDISON Date: 12/13/2021



ROY COOPER Governor ELIZABETH S. BISER Secretary

To: Crystal Best

State Clearinghouse

NC Department of Administration

From: Lyn Hardison

Division of Environmental Assistance and Customer Service

Washington Regional Office

RE: 22-0104

Environmental Review - Application of Henry Gibson Solar, LLC for Certificate to construct a 4.99 MW Solar Facility,

Docket #SP-5262 Sub 0.

Scotland County

Date: December 13, 2021

The Department of Environment Quality has reviewed the proposal for the referenced project. Based on the information provided, several of our agencies have identified permits that may be required and offered some valuable guidance to help minimize impacts to aquatic, terrestrial wildlife and natural resources in and around the project site. The comments are attached for the applicant's review.

The Department will continue to be available to assist the applicant with any question or concerns.

Thank you for the opportunity to respond.

Attachments





○ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

Cameron Ingram, Executive Director

MEMORANDUM

TO: Lyn Hardison, Environmental Assistance and SEPA Coordinator

NCDEQ Division of Environmental Assistance and Customer Services

Gabrile Garrian

FROM: Gabriela Garrison

Eastern Piedmont Coordinator

Habitat Conservation

DATE: December 9, 2021

SUBJECT: Comments on Henry Gibson Solar, LLC Solar Facility in Scotland County; Project

Number 22-0104.

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the proposed project description. Comments are provided in accordance with certain provisions of the North Carolina Environmental Policy Act (G.S. 113A-1 through 113A-10; 1 NCAC 25) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

Henry Gibson Solar, LLC proposes to construct a 4.99 MW solar photovoltaic electric generating facility in Scotland County. The facility would be located at 8081 Henry Gibson Road, east of Gibson. A map with the proposed project boundary suggests the site is primarily cleared land. Solar projects should be sited to avoid impacts to wetlands, streams, riparian buffers, and priority wildlife habitat.

The NCWRC offers the following recommendations to minimize impacts to aquatic and terrestrial wildlife resources:

- 1. Maintain or establish a minimum 100-foot undisturbed, native forested buffer along each side of perennial streams and a 50-foot undisturbed, native forested buffer along each side of intermittent streams and wetlands. Forested riparian buffers provide habitat areas and travel corridors for wildlife species. In addition, forested riparian buffers protect water quality by stabilizing stream banks and filtering stormwater runoff.
- 2. The project footprint should be surveyed for wetlands and streams to ensure there are no impacts to surface waters. In addition to providing wildlife habitat, wetland areas and streams aid in flood control and water quality protection. United States Army Corps of Engineers Section 404 Permits and NC Division of Water Resources Section 401 Certifications are required for any impacts to jurisdictional streams or wetlands. Temporarily disturbed wetland areas should be returned to original soils and contours, reseeded with annual small grains appropriate for the season (e.g., oats, millet, rye, wheat, or rye grass) and allowed to revert to natural wetland vegetation.

December 9, 2021 Henry Gibson Solar, LLC

Page 2

- 3. Use bridges for all permanent roadway crossings of streams and associated wetlands to eliminate the need to fill and culvert, where practicable. If culverts must be used, the culvert should be designed to allow aquatic life passage. Fords may be appropriate and preferred for intermittent stream crossings or where crossings will be used only once or twice a year. For fords, crossings in riffles are preferred with the banks lowered upstream and downstream of the crossing. Stabilize the stream bottom with geo-textile fabric and rock; concrete should not be used for bed stabilization.
- 4. The solar facility will connect to existing utility lines; impacts to wildlife habitat will be minimized by connecting along pathways that do not contain quality wildlife habitat, such as cleared or agricultural land. If additional overhead transmission lines will be installed, 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 http://www.fws.gov/birds/documents/powerlines.pdf.
- 5. If site and/or transmission line maintenance is needed, avoid mowing between April 1 and October 1 to minimize impacts to nesting wildlife. Use a maintenance schedule that incorporates a portion of the area (e.g., one-third of the area) each year. Pesticides, fertilizers, herbicides, and other chemicals should not be used in wetland areas or near streams.
- 6. If pesticides or chemicals will be used for site maintenance, stormwater runoff from the site should be funneled 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. Consider planting native, wildflower seed mixes that will create pollinator habitat within the project boundary. Shade-tolerant plants that are within 12 to 18 inches can be selected for plantings both underneath and around the solar panels. Pollinator habitat with more diverse seed mixes can also be created in buffer areas outside of the panel region. In addition, consider adding other habitat-enhancing features, such as permeable fencing, bird/bat boxes, and brush piles that will minimize impacts from habitat loss. Further information and free technical guidance from the NCWRC are available upon request. In addition, please refer to the NC Solar Technical Guidance document, created by the NC Pollinator Conservation Alliance: www.ncpollinatoralliance.org/energy.
- 8. Sediment and erosion control measures should be installed prior to any land clearing or construction. The use of biodegradable and wildlife-friendly sediment and erosion control devices is strongly recommended. Silt fencing, fiber rolls, and/or other products should have loose-weave netting that is made of natural fiber materials with movable joints between the vertical and horizontal twines. Silt fencing or similar materials that have been reinforced with plastic or metal mesh should be avoided as they impede the movement of terrestrial wildlife species. Excessive silt and sediment loads can have detrimental effects on aquatic resources including destruction of spawning habitat, suffocation of eggs, and clogging of gills.
- 9. Develop a plan that identifies the party responsible for decommissioning the facility as well as the conditions under which decommissioning will occur. In addition, the plan should emphasize that all equipment must be removed from the site, and the land should be restored to pre-construction conditions.

Thank you for the opportunity to review and comment on this project. If I can be of further assistance, please contact me at (910) 409-7350 or gabriela.garrison@ncwildlife.org.

ROY COOPER Governor ELIZABETH S. BISER Secretary MICHAEL SCOTT Director



MEMORANDUM

TO: Michael Scott, Division Director through Sharon Brinkley

FROM: Drew Hammonds, Eastern District Supervisor - Solid Waste Section

DATE: December 6, 2021

SUBJECT: Review: SW 22-0104 – Scotland County (ER – NC Dept. of Commerce – Application for Henry Gibson Solar, LLC for Certificate to construct a 4.99 MW Solar Facility located at 8081 Henry Gibson Rd, Gibson, NC)

The Division of Waste Management, Solid Waste Section (Section) has reviewed the documents submitted for the subject project in Scotland County, NC. Based on the information provided in these documents, the Section at this time does not see an adverse impact on the surrounding communities and likewise knows of no situations in the communities, which would affect this project.

As always for any planned or proposed projects, it is recommended that during any land clearing, demolition and construction, Henry Gibson Solar LLC and/or its contractors would make every feasible effort to minimize the generation of waste, to recycle materials for which viable markets exist, and to use recycled products and materials in the development of this project where suitable. Any waste generated by and of the projects that cannot be beneficially reused or recycled must be disposed of at a solid waste management facility permitted by the Division. The Section strongly recommends that Henry Gibson Solar LLC require all contractors to provide proof of proper disposal for all generated waste to permitted facilities.

Permitted solid waste management facilities are listed on the Division of Waste Management, Solid Waste Section portal site at: https://deq.nc.gov/about/divisions/waste-management/waste-management-annual-reports/solid-waste-permitted-facility-list

Questions regarding solid waste management for this project should be directed to Mr. David Powell, Environmental Senior Specialist, Solid Waste Section, at (910) 433-3350.

cc: David Powell, Environmental Senior Specialist



Reviewing Regional Office: FRO

Project Number: <u>22-0104</u> Due Date: <u>12/09/2021</u>

County: Scotland

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. Postapplication technical conference usual.	30 days (90 days)
\boxtimes	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. Preapplication 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.O100 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 2D.1900	N/A	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)
\boxtimes	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 in) 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)
		essed in accordance with NCDOT's approved program. Particular on of appropriate perimeter sediment trapping devices as well as stable	(30 days)
	Sedimentation and erosion control must be addre Particular attention should be given to design and as stable Stormwater conveyances and outlets.	ssed in accordance with Local Government's approved program. installation of appropriate perimeter sediment trapping devices as well	Based on Local Program
	Compliance with 15A NCAC 2H .0126 - NPDES Stor Municipal Separate Storm Sewer System & Constr	rmwater Program which regulates three types of activities: Industrial,	30-60 days (90 days)
	Compliance with 15A NCAC 2H 1000 -State Storm	water Permitting Programs regulate site development and post- bject to these permit programs include all 20 coastal counties, and	45 days (90 days)

Reviewing Regional Office: FRO

Project Number: <u>22-0104</u> Due Date: <u>12/09/2021</u>

County: Scotland

	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		
	Application fee based on structure size is charged. Must include State Lakes Construction Permit descriptions & drawings of structure & proof of ownership of riparian property		15-20 days N/A		
\boxtimes	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. visions/water-resources/water-resources-permits/wastewater-			
	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)		
\boxtimes	Abandonment of any wells, if required must be in	·			
\boxtimes	any excavation operation.	sted if "orphan" underground storage tanks (USTS) are discovered during			
	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				
	the Division of Water Resources/Public Water Sup 1634. For more information, contact the Public W		30 days		
		ansion, or alteration of the water system must be approved rity. Please contact them at for further information.			

Reviewing Regional Office: FRO

Project Number: <u>22-0104</u> Due Date: <u>12/09/2021</u>

County: Scotland

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

Division	Initial	No	Comments	Date
	S	comme		Review
		nt		
DAQ	JDC			11/24/202
				1
DWR-	KMB			11/18/202
WQROS				1
DWR-	HLC			11/30/202
PWS				1
DEMLR	LHB			11/18/21
(LQ &				, -,
SW)				
DWM –	KEC		The UST Section, Fayetteville Regional Office, does not have record of a petroleum release in the	11/17/21
UST			general area of concern for this project number, nor are there any records of registered USTs.	' '
			, and the state of	
			https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=7dd59be2750b40bebebfa4	
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Other		П		/ /
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			REGIONAL OFFICES	
		Quest	ions 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	Fayetteville Regional Office 225 Green Street, Suite 714, Fayetteville, NC 28301-5043 Phone: 910-433-3300 Fax: 910-486-0707	Mooresville Regional Office 610 East Center Avenue, Suite 301, Mooresville, NC 28115 Phone: 704-663-1699 Fax: 704-663-6040
Raleigh Regional Office 3800 Barrett Drive, Raleigh, NC 27609 Phone: 919-791-4200 Fax: 919-571-4718	Washington Regional Office 943 Washington Square Mall, Washington, NC 27889 Phone: 252-946-6481 Fax: 252-975-3716	Wilmington Regional Office 127 Cardinal Drive Ext., Wilmington, NC 28405 Phone: 910-796-7215 Fax: 910-350-2004
	Winston-Salem Regional Office 450 Hanes Mill Road, Suite 300.	

Phone: 336-776-980 Fax: 336-776-9797

OFFICIAL O

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Department of Environmental Quality Project Review Form

Project No: 22-01	04 (15-0510) County: Sco	otland	Date Received: 11-15-2021
Project Description	Environmental Review - Applic 4.99 MW Solar Facility, Docket https://starw1.ncuc.net/NCUC/	Due Date: 12-9-202 ration of Henry Gibson Solar, LLC t #SP-5262 Sub 0. Additional act page/Dockets/portal.aspx, Type at 8081 Henry Gibson Road, Gib	C for Certificate to construct a reage. View document at SP-5262 Sub 0 in the Docket
Regional Office Asheville Fayetteville Mooresville Raleigh Washington Wilmington Winston-Salem	Regional Office Area Air DWR DWR - Public Water DEMLR (LQ & SW) DWM	In-House Review Air Quality Parks & Recreation Waste Mgmt Water Resources Mgmt (Public Water, Planning & W Quality Program) DWR-Transportation Unit	Coastal Management Marine Fisheries Military Affairs DMF-Shellfish Sanitation Wildlife Gabriela Wildlife/DOT
Manager Sign-Off/Region:		Date: 12/9/21	In-House Reviewer/Agency: Melodi Deaver, Hazardous Waste Section
_	ction to project as proposed. ient information to complete review tions, please contact: Lyn Hardison at lyn.h: 943 Washington S	X No Comment Other (specify or attach con ardison@ncdenr.gov or (252) 9 quare Mall Washington NC 27 ourier No. 16-04-01	948-3842

 Control No.:
 22-E-4600-0104
 Date Received: 11/12/2021

 County.:
 SCOTLAND
 Agency Response: 12/13/2021

Review Closed: 12/13/2021

JINTAO WEN
CLEARINGHOUSE COORDINATOR
DPS - DIV OF EMERGENCY MANAGEMENT

Pro	ioct	Info	mation
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Type: State Environmental Policy Act ironmental Review

Applicant: North Carolina Department of Commerce

Project Desc.: Application of Henry Gibson Solar, LLC for Certificate to construct a 4.99 MW Solar Facility in

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http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx, Type SP-5262 Sub 0 in

the Docket Number search line.

Located at 8081 Henry Gibson Road, Gibson, North Carolina

As a result of this review the following is submitted:					
	✓ No Comment	Comments Below	Documents Attached		

Reviewed By: JINTAO WEN Date: 12/6/2021

Control No.: 22-E-4600-0104 Date Received: 11/12/2021

County.: SCOTLAND Agency Response: 12/13/2021

Review Closed: 12/13/2021

JEANNE STONE
CLEARINGHOUSE COORDINATOR
DEPT OF TRANSPORTATION

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Type: State Environmental Policy Act ironmental Review

Applicant: North Carolina Department of Commerce

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the Docket Number search line.

Located at 8081 Henry Gibson Road, Gibson, North Carolina

As a result of this review the following is submitted:					
	✓ No Comment	☐Comments Below	☐ Documents Attached		

Reviewed By: JEANNE STONE Date: 11/16/2021