

# STATE OF NORTH CAROLINA DEPARTMENT OF ADMINISTRATION

ROY COOPER GOVERNOR

MACHELLE SANDERS SECRETARY

August 22, 2019

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

SCH File # 20-E-4600-0018; Amended Application of Whiskey Solar, LLC for Re: Certificate to construct a 4.99 MW Solar Photovoltaic Electric Generating Facility in Montgomery Co. Docket #SP-5267 Sub 0.

Dear Ms. Jones:

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,

State Environmental Review Clearinghouse

Attachments cc: Region G

Mailing Address:

1301 MAIL SERVICE CENTER

RALEIGH, NC 27699-1301



ROY COOPER Governor

MICHAEL S. REGAN Secretary JAMIE RAGAN Director

## **MEMORANDUM**

To:

Crystal Best

State Clearinghouse Coordinator Department of Administration

From:

Lvn Hardison

Division of Environmental Assistance and Customer Service Environmental Assistance and Project Review Coordinator Washington Regional Office

RE:

20-0018 (15-0511, 16-0400)

Environmental Review - Amended Application of Whiskey Solar, LLC for Certificate to construct a 4 MW Solar Photovoltaic Electric Generating Facility.

Montgomery County

Date:

August 17, 2019

The Department of Environmental Quality has completed its review of 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 minimize impacts to the aquatic and terrestrial wildlife and natural resources. The comments are attached for the applicant's review.

If the applicant has any questions pertaining to NCDEQ permitting processes, please ask them to contact David Lee, Permit Assistance Coordinator, in the Department's Raleigh Regional Office at 919-791-4200 or david.lee@ncdenr.gov. The proposed project is located within his geographic working territory.

Thank you for the opportunity to respond.

Attachment





# ☐ North Carolina Wildlife Resources Commission ☐

Gordon Myers, Executive Director

## **MEMORANDUM**

TO:

Lyn Hardison, Environmental Assistance and SEPA Coordinator

NCDEQ Division of Environmental Assistance and Customer Services

FROM:

Gabriela Garrison

Eastern Piedmont Coordinator

**Habitat Conservation** 

DATE:

August 15, 2019

SUBJECT:

Comments on Whiskey Solar, LLC Solar Facility in Montgomery County.

Gabriele Garagia

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.).

Whiskey Solar, LLC proposes to construct a 4.99MW solar photovoltaic electric generating facility in Montgomery County; this project was previously circulated under Project Numbers 15-0511 and 16-0400. The site would be located at 1557 South Whiskey Road, south of Candor. A map of the proposed location (provided with the scoping materials) suggests the project is sited on primarily cleared land. If the project footprint is limited to the area as indicated, there should be limited impacts to streams and wetlands. Solar projects should be sited to avoid impacts to wetlands, streams, riparian buffers and priority wildlife habitat.

Aerial maps and images indicate a tributary to Drowning Creek flows north of the proposed project site. 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 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

Mailing Address: Habitat Conservation • 1721 Mail Service Center • Raleigh, NC 27699-1721 Telephone: (919) 707-0220 • Fax: (919) 707-0028

Page 2

August 15, 2019 Whiskey Solar, LLC

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.

- 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 <a href="http://www.fws.gov/birds/documents/powerlines.pdf">http://www.fws.gov/birds/documents/powerlines.pdf</a>.
- 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 <a href="mailto:gabriela.garrison@ncwildlife.org">gabriela.garrison@ncwildlife.org</a>.

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

Reviewing Regional Office: FRO Project Number: 20-0018 Due Date: 08/14/2019

County: MONTGOMERY

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)	
	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  Well Construction Permit  Well Construction Permit  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.			
	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 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)	
$\boxtimes$	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres are to be disturbed. Plan must be filed with and approved by applicable Regional Office (Land Quality Section) at least 30 days before beginning activity. A NPDES Construction Stormwater permit (NCG010000) is also usually issued should design features meet minimum requirements. A fee of \$65 for the first acre or any part of an acre. An express review option is available with additional fees.			
	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.			
	Sedimentation and erosion control must be addressed in accordance with Local Government'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.			
	Compliance with 15A NCAC 2H .0126 - NPDES Stormwater Program which regulates three types of activities: Industrial, Municipal Separate Storm Sewer System & Construction activities that disturb ≥1 acre.			
	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.			

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County: MONTGOMERY

	T				
			Normal Process		
	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Time		
			(statutory time limit)		
-		On-site inspection usual. Surety bond filed with DEQ Bond amount	iiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii		
	, .	varies with type mine and number of agres of affected land. Affected	30 days		
	Mining Permit	area greater than one acre must be permitted. The appropriate bond	(60 days)		
		must be received before the permit can be issued.			
		If permit required, application 60 days before begin construction.			
i		Applicant must hire N.C. qualified engineer to: prepare plans, inspect			
		construction, and certify construction is according to DEQ approved			
Ιп.	Dam Safety Permit	plans. May also require a permit under mosquito control program. And	30 days		
	Sum Suitely 1 connec	a 404 permit from Corps of Engineers. An inspection of site is necessary	(60 days)		
		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.	00.120 desa		
	Oil Refining Facilities	N/A	90-120 days (N/A)		
		File surety bond of \$5,000 with DEQ running to State of NC conditional	10 days		
	Permit to drill exploratory oil or gas well	that any well opened by drill operator shall, upon abandonment, be	10 days N/A		
		plugged according to DEQ rules and regulations.			
	Geophysical Exploration Permit	Application filed with DEQ at least 10 days prior to issue of permit.	10 days		
	Geophysical Exploration Fernit	Application by letter. No standard application form.	N/A		
		Application fee based on structure size is charged. Must include	15-20 days		
	State Lakes Construction Permit	descriptions & drawings of structure & proof of ownership of riparian	N/A		
L	·····	property			
		Compliance with the T15A 02H .0500 Certifications are required	60 days		
	401 Water Quality Certification	whenever construction or operation of facilities will result in a	(130 days)		
	discharge into navigable water as described in 33 CFR part 323.  Compliance with Catawba, Goose Creek, Jordan Lake, Randleman, Tar Pamlico or Neuse Riparian Buffer Rules is required.				
		isions/water-resources/water-resources-permits/wastewater-			
	branch/401-wetlands-buffer-permits/401-ripariar				
ļ	wancistant and an american and a state of the state of th				
	Nutrient Offset: Loading requirements for nitroge				
	Jordan and Falls Lake watersheds, as part of the n				
	information:				
	http://deq.nc.gov/about/divisions/water-resources/planning/nonpoint-source-management/nutrient-offset-information				
	CAMA Permit for MAJOR development	\$250.00 - \$475.00 fee must accompany application	75 days (150 days)		
			22 days		
	CAMA Permit for MINOR development	\$100.00 fee must accompany application	(25 days)		
	Abandonment of any wells, if required must be in	accordance with Title 15A. Subchapter 2C.0100.			
$\boxtimes$		<u></u>			
$\boxtimes$	Notification of the proper regional office is reques	ted if "orphan" underground storage tanks (USTS) are discovered during			
צא	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				
$\sqcup$	as per 15A NCAC 18C .0300 et. seq., Plans and specifications should be submitted to 1634 Mail Service Center, Raleigh, 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.				
	Plans and specifications for the construction, expansion, or alteration of the water system must be approved				
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Reviewing Regional Office: <u>FRQ</u>
Project Number: <u>20-0018</u> Due Date: <u>08/14/2019</u>

County: MONTGOMERY

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

Division	Initials	No	Comments	Date
		comment		Review
DAQ	GWR	$\boxtimes$		8/6/19
DWR-WQROS (Aquifer & Surface)	JTA &		&	8/7/19
DWR-PWS				11
DEMLR (LQ & SW)	LHB			8/6/19
DWM – UST	KEC		The UST Section, Fayetteville Regional Office, does not have record of an identified release of petroleum in the general area of the coordinates (35.271746, -79.736596) provided for this docket number, nor are there any records of registered USTs.	8/6/19
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	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, Winston-Salem, NC 27105 Phone: 336-776-9800	

# ug 22 2019

# NORTH CAROLINA STATE CLEARINGHOUSE DEPARTMENT OF ADMINISTRATION

INTERGOVERNMENTAL REVIEW

H11: ENERGY RELATED
 FACILITIES/ACTIVITIES

STATE NUMBER:

20-E-4600-0018

**DATE RECEIVED:** 07/19/2019

AGENCY RESPONSE: 08/14/2019

**REVIEW CLOSED:** 08/19/2019

MS CARRIE ATKINSON
CLEARINGHOUSE COORDINATOR
DEPT OF TRANSPORTATION
STATEWIDE PLANNING - MSC #1554
RALEIGH NC

Transportation Planning
Division

JUL 31 2019

#### REVIEW DISTRIBUTION

COUNTY: MONTGOMERY

DEPT OF AGRICULTURE

DEPT OF ENVIRONMENTAL QUALITY

DEPT OF NATURAL & CULTURAL RESOURCE

DEPT OF TRANSPORTATION

DNCR - NATURAL HERITAGE PROGRAM

DPS - DIV OF EMERGENCY MANAGEMENT

PIEDMONT TRIAD REGIONAL COUNCIL

#### PROJECT INFORMATION

APPLICANT: North Carolina Department of Commerce

TYPE: State Environmental Policy Act

Environmental Review

DESC: Amended Application of Whiskey Solar, LLC for Certificate to construct a 4.99 MW Solar Photovoltaic Electric Generating Facility in Montgomery Co. Docket #SP-5267

Sub 0. - View document at

http://starwl.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx, Type SP-5267

Sub 0 in the Docket Number search line.

Located at 105 S. Whiskey Road, Candor, NC

Amended due to the additional boundaries of the facility, proposed site access and interconnection point.

CROSS-REFERENCE NUMBER: 15-E-4600-0511 16-E-4600-0400

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	TED: NO COMMENT COMMENTS ATTACHED
SIGNED BY: Rewyen Survey	DATE: 7-31-19

# NORTH CAROLINA STATE CLEARINGHOUSE DEPARTMENT OF ADMINISTRATION

INTERGOVERNMENTAL REVIEW

COUNTY: MONTGOMERY

H11: ENERGY RELATED

FACILITIES/ACTIVITIES

STATE NUMBER:

20-E-4600-00

07/19/2019 DATE RECEIVED:

AUG 0 1 2019

AGENCY RESPONSE: 08/14/2019

REVIEW CLOSED: 08/19/2019

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

#### REVIEW DISTRIBUTION

DEPT OF AGRICULTURE

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SIGNED BY:	Davit faling		DATE: [	15/19