

Waiver Request

Site Specific Soil Map

1509.03 (a) (4)

The New Hampshire Code of Administrative Rules, Chapter Env-Wq 1500 “Alteration of Terrain”, Part Env-Wq 1504 “Plans and Calculations”, Section Env-Wq 1504.09 (b) (2)b requires that a site-specific soil map be prepared in accordance with the Society of Soil Scientists of Northern New England (SSSNNE) Special Publication No. 3, Site-Specific Soil Mapping Standards for New Hampshire and Vermont, December 2006, for all proposed areas of disturbance.

1509.03 (a) (5)

The applicant is requesting a waiver of this rule as a result of a conversation with NHDES staff during the Alteration of Terrain (AoT) permit pre-application meeting. This waiver has been granted in the past for similar projects. According to the document referenced above, “Site specific soil mapping is conducted for very intensive land uses requiring very detailed information about soils, generally in small areas. ... The information can be used in planning individual building sites, experimental agricultural plots, and other uses requiring detailed and precise knowledge of the soils and their variability.”

The proposed project is linear in nature, essentially a three (3) mile long crushed stone roadway that will connect nine (9) wind turbine generator sites. The project site lies predominantly along the top of a ridge, and straddles three (3) expansive, largely undeveloped watersheds. An examination of the Natural Resources Conservation Service (NRCS) Medium Intensity Soil Survey of Hillsborough County, NH indicates that the majority of the project will be built on Hydrologic Soil Group C soils. A relatively short length of road will be built on HSG D soils, through an area of ledge and outcrop. No infiltration BMPs are proposed for the stormwater management system. In addition, sensitive areas such as streams, wetlands and vernal pools have been mapped and are shown on the site plans. This is not the type of project for which a site-specific soil map is intended, nor would the information produced by such a study provide any real benefit. That level of detail is not required.

1509.03 (a) (6)

The waiver will not be temporary.

1509.03 (a) (7)

As an alternative to a site-specific soil map, the site plans have been prepared using delineations from the NRCS Medium Intensity Soil Survey obtained from the Web Soil Survey website.

1509.03 (a) (8)

The applicant believes that having the waiver granted will meet the criteria in Env-Wq 1509.04 for the following reasons:

1. *“Granting the request will not result in an adverse impact on the environment, public health, public safety, or abutting properties that is more significant than that which would result from complying with the rule.”*

Environmentally sensitive areas such as streams, wetlands and vernal pools have already been mapped in the project area, so no adverse impacts to the environment are anticipated as a result of the waiver. Due to the nature of the project, the waiver will have no bearing on public health and safety. The impact on abutting properties as a result of the proposed land use will not change as a result of the intensity of the soil study.

2. *“One or more of the following are satisfied:*
 - a. *Granting the request is consistent with the intent and purpose of the rule being waived; or*
 - b. *Strict compliance with the rule will provide no benefit to the public or the environment.”*

The applicant believes that both conditions are satisfied. In particular, strict compliance with the rule will provide no benefit to the public or the environment. The purpose of the waiver request is to allow the project to be based on a less intensive soil study, not to waive the requirement completely. NRCS soil surveys are commonly used as a basis for projects of this nature. In addition, sensitive areas such as streams, wetlands and vernal pools have already been mapped in the vicinity of the project. Therefore, a site-specific soil survey will not provide any additional benefit to the public or the environment.