



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

March 3, 2023

Carrie Larson Ortolano, Esq.
General Counsel
LSE Hercules LLC
c/o Lodestar Energy LLC
40 Tower Lane, Suite 201
Avon, CT 06001
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RE: **PETITION NO. 1557** – LSE Hercules LLC (Lodestar Energy) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4-megawatt AC solar photovoltaic electric generating facility located at 99, 105 and 113 Raffia Road, Enfield, Connecticut, and associated electrical interconnection.

Dear Attorney Ortolano:

The Connecticut Siting Council (Council) requests your responses to the enclosed questions no later than March 24, 2023. Please submit an original and 15 copies to the Council's office and an electronic copy to siting.council@ct.gov. In accordance with the State Solid Waste Management Plan and in accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies, the Council requests all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators. Fewer copies of bulk material may be provided as appropriate.

Please be advised that the original and 15 copies are required to be submitted to the Council's office on or before the March 24, 2023 deadline.

Copies of your responses are required to be provided to all parties and intervenors listed in the service list, which can be found on the Council's website under the "Pending Matters" link.

Any request for an extension of time to submit responses to interrogatories shall be submitted to the Council in writing pursuant to §16-50j-22a of the Regulations of Connecticut State Agencies.

Sincerely,

Melanie Bachman
Executive Director

MB/MP

c: Service List dated January 9, 2023

Petition No. 1557
LSE Hercules LLC
99, 105 and 113 Raffia Road, Enfield
Interrogatories

Project Development

1. What is the estimated cost of the project?
2. Is the project, or any portion of the project, proposed to be undertaken by state departments, institutions or agencies, or to be funded in whole or in part by the state through any contract or grant?
3. Have any abutters provided comments to Lodestar since the Petition was submitted to the Council? If yes, summarize the comments and how these comments were addressed.
4. If the project is approved, identify all permits necessary for construction and operation and which entity will hold the permit(s)?

Proposed Site

5. Submit a map clearly depicting the boundaries of the solar facility site and the boundaries of the host parcel(s). Under Regulations of Connecticut State Agencies §16-50j-2a(29), “**Site**” means a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right-of-way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located.
6. Referencing Petition pages 17 and 21, the site is located on and around the Enfield landfill and active transfer station. Explain.
7. Referencing Petition pages 1 and 10, what commercial activities are currently conducted by the host property owner on the proposed site and properties surrounding the proposed site? Identify which parcel for each activity.
8. In the lease agreement(s) with the host property owner, are there any provisions related to decommissioning or site restoration at the end of the project’s useful life? If so, please describe and/or provide any such provisions.
9. What is the length of the lease agreement with the host property owner? Are there provisions for an extension?
10. Is the host parcel, or any portion thereof, part of the Public Act 490 Program? If so, how does the municipal land use code classify the parcel(s)? How would the facility affect the use classification?
11. Has the State of Connecticut Department of Agriculture (DOAg) purchased any development rights for the facility site or any portion of the facility site as part of the State Program for the Preservation of Agricultural Land?
12. Provide the distance, direction and address of the nearest property line and nearest off-site residence from the solar facility perimeter fence. What are the addresses of these properties?

Energy Output

13. What is the anticipated capacity factor of the Project? Would the capacity of the system decline over time? If so, estimate annual losses.
14. Is the project being designed to accommodate a potential future battery storage system? If so, please indicate the anticipated size of the system, where it may be located on the site, and the impact it may have on the SCEF Agreement.
15. Would Lodestar participate in an ISO-NE Forward Capacity Auction? If yes, which auction(s) and capacity commitment period(s)?
16. If one section of the solar array experiences electrical problems causing the section to shut down, could other sections of the system still operate and transmit power to the grid?

Site Components and Solar Equipment

17. Is the wiring from the panels to the inverters installed on the racking? If wiring is external, how would it be protected from potential damage from weather exposure, vegetation maintenance, or animals?
18. What is the minimum aisle width at which the solar panel rows could be installed?

Interconnection

19. Is the facility interconnection required to be reviewed by ISO-NE?
20. Referencing Petition pages 9 and 10, and Attachment 1 – Sheet SP-0 of the Petition, of the six proposed poles, what is the height of the utility poles above ground level after installation? Can the number of poles be reduced by consolidating equipment?
21. Is the existing electrical distribution on Raffia Road three-phase or would it have to be upgraded from single-phase to three-phase?

Public Safety

22. Would the project comply with the current Connecticut State Building Code, National Electrical Code, the National Electrical Safety Code, and any applicable National Fire Protection Association codes and standards including, but not limited to, NFPA Code Section 11.12.3?
23. Referencing page 6 of the Petition, Lodestar notes that a 6-foot fence (with a 6-inch wildlife gap at the bottom) is proposed. Referencing page 17 of the Petition, Lodestar notes that a 7-foot fence is proposed, consistent with the National Electrical Code. Referencing Attachment 1 of the Petition, Sheet DN-1, a 6-foot fence with a 4 to 6 inch wildlife gap is proposed. Please clarify.
24. Where is the nearest federally-obligated airport? Is a glare analysis required to comply with FAA policy?

Environmental

25. Referencing page 19 of the Petition, Lodestar notes that there would be 1.21 acres of tree clearing. Referencing Attachment 7, Environmental Assessment, page 22, Lodestar notes that there would be approximately 3.50 acres of tree clearing. Please clarify. Of the total acreage of tree clearing, provide the acreage of tree clearing without grubbing and the acreage of tree clearing with grubbing.
26. Under Connecticut General Statutes §16-50k, "Core forest" means unfragmented forest land that is three hundred feet or greater from the boundary between forest land and nonforest land, as determined by the Commissioner of Energy and Environmental Protection." Identify the number of acres of tree clearing within edge forest and the number of acres of tree clearing with core forest, if applicable. Provide an aerial photograph that depicts pre- and post-construction acreage of core and edge forest.
27. Referencing Attachment 7 of the Petition, Environmental Assessment, pages 25 and 26, the U.S. Fish and Wildlife Service reclassified the northern long-eared bat as Endangered. Lodestar notes that, "It is anticipated that a revised consultation process will be implemented, and that additional review for the Project will be required." Provide the status or results of any additional consultations/review regarding the northern long-eared bat.
28. Referencing page 16 of the Petition notes that, "The Site is not located within an Aquifer Protection Area." Referencing Attachment 7 of the Petition, Environmental Assessment, pages 9 and 18, portions of the site appear to be located within a DEEP-designated APA. Explain.
29. Are there any wells on the site or in the vicinity of the site? If so, how would the petitioner protect the wells and/or water quality from construction impacts, such as vibrations and sedimentation?
30. What effect would runoff from the drip edge of each row of solar panels have on the site drainage patterns? Would channelization below the drip edge be expected? If not, why not?
31. What is the length of the posts and to what depth would the posts be driven into the ground to provide structural stability? Are any impacts to groundwater quality anticipated? If so, how would the petitioner manage and/or mitigate these impacts?
32. Where is the nearest publicly accessible recreational area from the proposed site? Describe the visibility of the proposed project from this recreational area.
33. Referencing page 17 of the Petition, has Lodestar received a response from the State Historic Preservation Office (SHPO) regarding the Phase 1B Survey results? If yes, provide a copy of such response.

Facility Construction

34. Referencing page 15 of the Petition, what is the status of the DEEP Stormwater Permit?
35. Has a sediment trap been removed from the site plans per discussions with DEEP? Provide updated plan(s) if applicable.
36. Would any fueling or use of hazardous materials occur outside of the Aquifer Protection Area (APA)?

37. Summarize any potential impacts to terrace escarpments associated with the Project. Would tree topping be monitored to prevent slope disturbances?
38. Has the Petitioner consulted with the DEEP Dam Safety program regarding permitting requirements, if any, for the proposed stormwater basins?
39. With regard to earthwork required to develop the site, provide the following:
 - a) Will the site be graded? If so, in what areas?
 - b) What is the desired slope within the solar array areas?
 - c) Could the solar field areas be installed with minimal alteration to existing slopes?
 - d) If minimal alteration of slopes are proposed, can existing vegetation be maintained to provide ground cover during construction?
 - e) Estimate the amounts of cut and fill in cubic yards for the access road(s)
 - f) Estimate the amounts of cut and fill in cubic yards for solar field grading.
 - g) If there is excess cut, will this material be removed from the site property or deposited on the site property?
40. How would the posts (that support the racking system) be driven into the ground? In the event that ledge is encountered, what methods would be utilized for installation?
41. Referencing page 20, the existing access road would be improved. How would the access road be improved, e.g. with gravel?
42. What is the minimum road width required for post-construction use?
43. Has a comprehensive geotechnical study been completed for the site to determine if site conditions support the overall Project design? If so, summarize the results. If not, has the Petitioner anticipated and designed the Project with assumed subsurface conditions? What are these assumed conditions?

Maintenance/Decommissioning

44. Referencing Attachment 4 of the Petition, Decommissioning Plan, page 2, Lodestar notes that the Project would interconnect to electrical distribution on Ryan Avenue rather than Raffia Road. Explain.
45. Would replacement modules be stored on-site in the event solar panels are damaged or are not functioning properly? If so, where? How would damaged panels be detected?
46. Has the manufacturer of the proposed solar panels conducted Toxicity Characteristic Leaching Procedure (TCLP) testing to determine if the panels would be characterized as hazardous waste at the time of disposal under current regulatory criteria? If so, submit information that indicates the proposed solar modules would not be characterized as hazardous waste. If not, would the Petitioner agree to install solar panels that are not classified as hazardous waste through TCLP testing?
47. Referencing Attachment 3 of the Petition – Operations and Maintenance Plan, p. 4, under what circumstances would snow be removed? Describe snow removal methods.
48. Referencing Attachment 3 of the Petition – Operations and Maintenance Plan, p. 4, under what circumstances would the panels be washed? If applicable, what type of methods would be employed to clean the panels?