



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

June 21, 2022

Carrie Larson Ortolano, Esq.

General Counsel

LSE Indus LLC

c/o Lodestar Energy LLC

40 Tower Lane, Suite 201

Avon, CT 06001

cortolano@ldestarenergy.com

RE: **PETITION NO. 1469** – LSE Indus, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.99-megawatt AC solar photovoltaic electric generating facility located at 81 East Main Street, North Canaan, Connecticut and associated electrical interconnection.

Dear Attorney Ortolano:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated June 14, 2022 regarding compliance with Condition Nos. 3, 5, and 6 of the declaratory ruling issued by the Council on January 28, 2022 for the above-referenced project. The subject conditions are as follows:

3. *Utilize a pollinator seed mix;*
The specified seed mix on Site Plan Sheet DN-1 submitted on June 14, 2022 is composed of lawn grasses and is the same as the seed mix submitted in the Petition; therefore, this condition has not been satisfied.
5. *Submit a copy of the DEEP Stormwater Permit prior to the commencement of construction.*
A copy of the Stormwater Permit (No. GSN003758) has been submitted;
6. *Include contact information for the spill response contractor and provide complete contact information/procedures to notify state and local agencies within the Spill Prevention Control Plan;*
The revised Spill Prevention Control Plan does not list the specific contact information for the spill response contractor that may be used to clean up spills at the site or procedures for notification; therefore, this condition has not been satisfied.

Thus, the Council acknowledges that Condition No. 5 has been satisfied. Conditions No. 3 & 6 **have not been satisfied**.

The June 14, 2022 correspondence also includes a request for project changes, as follows:

- A. Modifications to the stormwater management system to include a gravel drip edge along the panel rows, alterations to the stormwater basin design, a reduction of the project footprint by 0.29 acre and the reduction in the amount of cut by 3,574 cubic yards to conform to requirements of the DEEP Stormwater Program;
- B. Change the specified solar panels from Hanwa QCell 425 Watt panels to ZNShine 540 Watt panels, and reduce the number of panels from 5,902 to 4,787; and

C. Waiver of Council Declaratory Ruling Condition 4 requiring the submission of TCLP test results for the selected solar panels that indicate the panels would not be characterized as hazardous waste at the time of disposal under current testing criteria due to the unavailability of TCLP data for the ZNShine 540 Watt panels.

The requested project changes listed above **are not approved**. These requested changes will be placed on a future Council meeting agenda.

Please submit an original and 15 copies of the June 14, 2022 correspondence with the attachments to the Council's office at your earliest convenience.

Thank you for your attention and cooperation.

Sincerely,



Melanie A. Bachman
Executive Director

c: Council Members

The Honorable Charles P. Perotti, First Selectman, Town of North Canaan (selectman@northcanaan.org)
Service List, dated October 29, 2021