



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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VIA ELECTRONIC MAIL & CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 20, 2023

Carrie Larson Ortolano, Esq.
General Counsel
LSE Pyxis LLC
c/o Lodestar Energy LLC
40 Tower Lane, Suite 201
Avon, CT 06001
cortolano@lodestarenergy.com

RE: **PETITION NO. 1544** – LSE Pyxis 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 599 Greenwoods Road East, Norfolk, Connecticut, and Winsted-Norfolk Road, Colebrook, Connecticut and associated electrical interconnection.

Dear Attorney Ortolano:

At a public meeting held on January 19, 2023, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal meets air and water quality standards of the Department of Energy and Environmental Protection and would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need with the following conditions:

1. Approval of any project changes be delegated to Council staff;
2. A passing Toxicity Characteristic Leaching Procedure (TCLP) test result be submitted to the Council if there is a change in the selected solar panels;
3. Submit a copy of the DEEP Stormwater Permit prior to the commencement of construction;
4. Submit the final structural design for the post and ballast racking systems stamped by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
5. Submit construction work hours/daily schedule;
6. Provide training to emergency responders;
7. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities;
8. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed within three years from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's decision shall not be counted in calculating

this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable;

9. Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be served on all parties and intervenors, if applicable, and the Towns of Colebrook and Norfolk;
10. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
11. The facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v;
12. The facility owner/operator shall file an annual report on a forecast of loads and resources pursuant to Conn. Gen. Stat. §16-50r;
13. This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v; and
14. If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition dated October 28, 2022 and additional information dated December 21, 2022.

Enclosed for your information is a copy of the staff report on this project.

Sincerely,



Melanie A. Bachman
Executive Director

MAB/RDM/lm

Enclosure: Staff Report dated January 19, 2023

c: The Honorable Christopher L. Johnstone, First Selectperson, Town of Colebrook
(cjohnstone@colebrooktownhall.org)
The Honorable Matthew T. Riiska, First Selectperson, Town of Norfolk
(firstselectman@norfolkct.org)



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Petition No. 1544 LSE Pyxis LLC 599 Greenwoods Road East, Norfolk and Winsted-Norfolk Road, Colebrook

**Staff Report
January 19, 2023**

Introduction

On October 31, 2022, the Connecticut Siting Council (Council) received a petition from LSE Pyxis LLC (Lodestar) for a declaratory ruling pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k for the construction, operation and maintenance of a 4.0-megawatt (MW) alternating current (AC) solar photovoltaic electric generating facility located 599 Greenwoods Road East, Norfolk and Winsted-Norfolk Road, Colebrook, Connecticut, and associated electrical interconnection (Petition or Project).

Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-40 on or about October 25, 2022, Lodestar notified the abutting property owners and Town of Norfolk (Town) and Town of Colebrook (Colebrook)¹ officials, state officials and agencies of the proposed Project.

On November 2, 2022, the Council sent correspondence to Lodestar noting a deficiency in the completeness of the Petition. Specifically, the Petition did not contain written representation from the Department of Agriculture (DOAg) **to the Council** that the proposed facility will not materially affect the status of prime farmland, pursuant to CGS §16-50k(a).² On November 3, 2022, DOAg submitted a letter to the Council stating the proposed facility will not materially affect the status of prime farmland, rendering the Petition complete.

The Council issued interrogatories to Lodestar on December 2, 2022. Lodestar submitted responses to the Council's interrogatories on December 21, 2022, one of which included photographic documentation of site-specific features intended to serve as a "virtual" field review of the Project.

Pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act, an administrative agency is required to take an action on a petition for a declaratory ruling within 60 days of receipt. On December 22, 2022, pursuant to CGS §4-176(e), the Council voted to set the date by which to render a decision on the Petition as no later than April 29, 2022, which is the 180-day statutory deadline for a final decision under CGS §4-176(i).

Municipal Consultation

The Town initiated a request for proposal (RFP) for the development of a solar photovoltaic facility on Town-owned property in Norfolk and Colebrook. Lodestar was awarded the RFP and executed a letter of intent with the Town on August 11, 2020.

Lodestar developed the Project with the Town in 2022. The Project appeared on agendas for the Town Inland Wetlands Commission, Planning and Zoning Commission and Conservation Commission on April 4, April 12, and May 2, 2022, respectively. The Project was approved at a Town meeting on July 26, 2022. On October 22, 2022, the Town First Selectman issued a letter in support of the Project.

¹ Portions of the Project site are on a parcel located in the Town of Colebrook that is owned by the Town of Norfolk.

² An August 10, 2022 email from DOAg to Lodestar was included in the Petition.

Lodestar submitted correspondence to Colebrook on October 25, 2022. Lodestar did not receive any comments from Colebrook.

On November 1, 2022, the Council sent correspondence to the Town and Colebrook stating that the Council has received the Petition and invited both municipalities to contact the Council with any questions or comments by November 30, 2022. No comments were received.

State Agency Comments

On November 1, 2022, pursuant to RCSA §16-50j-40, the Council sent correspondence requesting comments on the proposed Project from the following state agencies by November 20, 2022: Department of Energy & Environmental Protection (DEEP); DOAg; Department of Public Health (DPH); Council on Environmental Quality (CEQ); Public Utilities Regulatory Authority (PURA); Office of Policy and Management (OPM); Department of Economic and Community Development (DECD); Department of Emergency Services and Public Protection (DESPP); Department of Consumer Protection (DCP); Department of Labor (DOL); Department of Administrative Services (DAS); Department of Transportation (DOT); the Connecticut Airport Authority (CAA); and the State Historic Preservation Office (SHPO).

In response to the Council's solicitation, CEQ submitted comments on November 16, 2022³ related to wildlife, wetlands and watercourses, and ground water. DEEP submitted comments on December 2, 2022⁴ regarding site characteristics and permitting. Environmental concerns are addressed in the *Environmental Effects and Mitigation Measures* section of this document.

No other state agencies provided written comments on the Project.

While the Council is obligated to consult with and solicit comments from state agencies by statute, the Council is not required to abide by the comments from state agencies.⁵

Public Act 17-218

Public Act (PA) 17-218⁶ requires “for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, excluding any such facility that was selected by DEEP in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the DOAg represents, in writing, to the Council that such project will not materially affect the status of such land as prime farmland or DEEP represents, in writing, to the Council that such project will not materially affect the status of such land as core forest.” PA 17-218 requires a project developer to obtain a letter from DOAg **OR** DEEP. Lodestar has secured written confirmation from both DOAg and DEEP.

Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over the construction, maintenance and operation of solar photovoltaic electric generating facilities throughout the state. PA 17-218 requires developers of solar facilities with a generating capacity of more than 2 megawatts (MW) to obtain a written determination from DOAg or DEEP that the project would not materially affect the status of land as prime farmland or core forest prior to submission of a petition for a declaratory ruling to the Council. PA 17-218 does not confer the Council's exclusive jurisdiction over the construction, maintenance and operation of solar photovoltaic electric generating facilities throughout the state upon DOAg or DEEP. PA 17-218 also does not permit DOAg or DEEP to impose any enforceable conditions on the construction, maintenance and operation of solar photovoltaic electric generating facilities under the exclusive jurisdiction of the Council.

³ [CEQ Comments 11 16 2022](#)

⁴ [DEEP Comments 12 02 2022](#)

⁵ *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007)

⁶ Codified at Conn. Gen. Stat. §16-50k(a) and §16a-3k (2021)

Public Benefit

The Project would be a distributed energy resource facility as defined in CGS § 16-1(a)(49). CGS § 16a-35k establishes the State's energy policy, including the goal to "develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent." The 2018 Comprehensive Energy Strategy (2018 CES) highlights eight key strategies to guide administrative and legislative action over the next several years. Specifically, Strategy No. 3 is "Grow and sustain renewable and zero-carbon generation in the state and region." Furthermore, on September 3, 2019, Governor Lamont issued Executive Order No. 3, which calls for the complete decarbonization of the electric sector by 2040. The proposed facility will contribute to fulfilling the State's Renewable Portfolio Standard and Global Warming Solutions Act as a zero emission Class I renewable energy source.

The Project bid into the statewide Shared Clean Energy Facility (SCEF) Program, which is a competitive procurement process administered by the state's electric distribution companies to develop utility scale renewable energy. New or incremental Class I renewable generation projects ranging in size from 100 to 5,000 kW AC are eligible to bid into the SCEF Program for a Tariff Terms Agreement (TTA) with a 20-year term.

If selected, Lodestar would execute a TTA with Eversource for the Project's installed capacity. The electricity and renewable energy credits produced by the facility would be sold to Eversource in accordance with the TTA.

The TTA includes the transfer of capacity to Eversource. Thus, Lodestar would not participate in the ISO-NE Forward Capacity Auction.

Proposed Site

Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over the proposed solar electric generating facility "site." Under RCSA §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. The Council does not have jurisdiction or authority over any portion of the host parcel beyond the boundaries of the Project "site." This includes portions of the parcel retained by the landowner and portions of the parcel the landowner may lease to third parties. Once a facility is decommissioned, the Council no longer has jurisdiction or authority over the Project "site."

Under a lease agreement with the Town, Lodestar proposes to construct the solar facility on an approximate 13.6-acre site within a 149-acre parcel located at 599 Greenwoods Road East in Norfolk (Norfolk Parcel) and an abutting 31.2-acre parcel (Map 07/Lot 16) located on Winsted-Norfolk Road in Colebrook (Colebrook Parcel). Both parcels are owned by the Town of Norfolk. The host parcels are collectively utilized as the Town's transfer station and for materials storage that contain a telecommunications facility approved by the Council on March 15, 2007 in Docket 320, a capped landfill and undeveloped land.

Most of the Project is located on the Norfolk Parcel, within a commercial-industrial zone. The portion of the Project that extends onto the Colebrook Parcel is limited to part of the stormwater management system, and located in a business and residential zone.

The site has gentle slopes with ground elevations from 1,345 to 1,445 feet above mean sea level.

Land use surrounding the site consists of undeveloped land except for a commercial/residential building on Route 44 (Greenwoods Road) across from the transfer station entrance. The nearest abutting property line to the site is at 112 Rock Hall Road in Colebrook, located approximately 66 feet to the east. The nearest residence from the site is at 542 Greenwoods Road in Norfolk, located approximately 1,120 feet to the southwest.

Lodestar selected the site due to availability, suitability, proximity of existing electrical infrastructure and use of existing infrastructure/disturbed areas, to the extent feasible. Pursuant to CGS §16-50p(g), the Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for the purpose of siting a facility.⁷

The Project has an operational life of 20 years. At the end of the lease, Lodestar must decommission the Project and restore the site to its pre-existing condition.

Proposed Project

The proposed 4.0 MW AC solar facility consists of 10,741 photovoltaic modules, rated at 540 Watts, installed on driven posts or concrete ballasts depending on location. The panels would be installed in three distinct solar array areas, with two arrays located in the southeastern portion of the Norfolk Parcel and the remaining array located in the central portion of the Norfolk Parcel.

The three arrays, enclosed by perimeter fencing, are as follows:

- Array 1 - 7.26 acre area with 5,788 panels located on the capped landfill, east and north of the existing transfer station building/access road;
- Array 1B - 3.15 acre area with 2,411 panels west and northwest of the existing transfer station building/access road; and
- Array 2 - 3.11 acre area with 2,542 panels south of the materials storage yard.

The panels would be installed on a fixed tilt racking system, facing south at a 25 degree angle. The panels would be approximately 11 feet above grade at the highest point and 3 feet above grade at the lowest point. The vegetated aisles between the panel rows would be 12.6 feet wide.

Other equipment includes 32 inverters and two 20-foot by 30-foot concrete pads for Project switchgear and transformers.

The panels located in the Array 1 and Array 1B areas would be installed on concrete ballasts to avoid disturbance to the landfill cap and areas adjacent to the cap. The design of the panel support ballasts has not been finalized. Typically, the panel support ballasts are 1.5 feet wide x 12 feet long x 1.6 feet tall. Perimeter fence ballasts for the Array 1 and Array 1B areas would be 0.6 feet wide x 2.5 feet long x 0.4 feet high. The panels in the Array 2 area would be installed on a fixed tilt racking system with racking supported by ground screws.

Panel row wiring would extend along the racking system to reduce potential damage from weather events, maintenance activities, or animals. From collection points at the end of the panel rows, wiring would extend to the inverters and to the switchgear/transformer pads either on above ground conduit trays supported on specialty concrete blocks (Array 1 and Array 1B) or underground (Array2). From the Array 2 transformer, underground wiring would be installed within the existing access road to the Array 1/Array 2 limits, the transition to an above ground cable tray to the Array 1 transformer pad. From the Array 1 transformer pad, conduit on a cable tray would extend southward along the perimeter of the Array 1, then transition to overhead lines using four customer side utility poles on the Colebrook parcel before interconnecting at a single point to an Eversource distribution line on Greenwoods Road (Route 44). The utility poles would be installed within a 16-foot wide, 150-foot utility easement that would be mowed periodically to maintain vegetative clearance.

Lodestar has obtained an interconnection agreement with Eversource. An ISO-NE interconnection review was not required. The Project is not designed to support a battery storage system.

⁷ *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007); CGS §16-50p(g) (2019).

The projected capacity factor for the Project is approximately 20.6 percent, including loss assumptions such as shading, inverter losses, wiring, and temperature variation. The power output would decline over time with an anticipated annual power output loss of approximately 0.4 percent.

Access to the solar facility would be from existing roads on the Norfolk Parcel that serve the materials storage and transfer station areas. Access gates to each solar array area would be installed facing the existing roads or open gravel areas. The facility would be enclosed by a seven-foot tall chain link fence (6,987 linear feet total).

There would be no grading of the solar array areas. Excavation would be required to install four stormwater basins, one for the Array 1 A area and three for the Array 2 area. The stormwater basins are located outside of the landfill cap.

Lodestar submitted a request for an Authorization for Disruption of a Solid Waste Disposal Area and a request for a Change to Post-Closure Use to DEEP on November 14, 2022, which is under review. Small track vehicles would be used to deliver materials onto the landfill cap. Heavy duty vehicles would not be used on the cap.

Construction is anticipated to begin in Spring 2023 and would occur over a six to nine-month period.

Neither the Project, nor any portion thereof, is proposed to be undertaken by state departments, institutions or agencies or to be funded in whole or in part by the state through any grant or contract. The estimated cost of the project is approximately \$8,400,000.

Public Safety

The proposed project would comply with the National Electrical Code, National Electrical Safety Code and National Fire Protection Association codes and standards, as applicable. The system is designed in accordance with the CT State Fire Prevention Code, Section 11.12.3 - Ground Mounted Photovoltaic System Installations by including a 15-foot wide perimeter access aisle around each array.

There are no federally-obligated airports within 10 miles of the site. The Federal Aviation Administration submitted a letter to Lodestar on August 9, 2022 indicating that the Project would not be a hazard to air navigation.

The proposed facility would be remotely monitored through a 24/7 data acquisition system capable of detecting weather, energy production, and safety concerns related to grid outages or faults. If a problem with the facility is detected, system diagnostics and/or facility shutdown can be performed remotely.

Manual disconnect switches are located on-site. Lodestar would conduct facility operation and safety training for local emergency responders prior to site energization.

The seven-foot high chain link perimeter fence complies with NEC requirements.⁸ The entrance to each solar array would be gated, limiting access to authorized personnel. Emergency responders would be provided access to a Knox Box at each entrance gate.

The proposed facility would be in compliance with DEEP Noise Control Standards. The Project inverters are located towards the middle of the solar arrays, maximizing the distance to adjacent property lines. The nearest property line to an electrical equipment pad is approximately 375 feet to the southwest, across Route 44. The

⁸ Section 691.4(2) of the National Electrical Code (NEC), 2020 Edition notes that, "Access to PV electric supply stations shall be restricted by fencing or other adequate means in accordance with 110.31..." Section 110.31 notes that for over 1,000 Volts, "...a wall, screen, or fence shall be used...A fence shall not be less than 7 feet in height or a combination of 6 feet or more of fence fabric and a 1 foot or more...utilizing barbed wire or equivalent."

predicted noise level at this property line from operation of the electrical equipment is approximately 29 dBA, below DEEP noise control criteria. Construction noise is exempt from DEEP Noise Control Standards.

The site is not located within a Federal Emergency Management Agency designated 100-year or 500-year flood zone.

Environmental Effects and Mitigation Measures

Historic and Recreational Resources

SHPO submitted correspondence to Lodestar on October 27, 2021 indicating the proposed project would not affect historic properties. There are no state or town parks within a half-mile of the site. There are no “blue-blazed” trails maintained by the Connecticut Forest and Parks Association within one-mile of the site.

Visibility

The site is setback from Route 44 and would not be visible from the road. With exception of a residential-retail structure across Route 44 from the transfer station portion of the Norfolk Parcel, no homes are proximate to the site. Substantial forested buffers exist around the array areas, thereby screening off-site views of the facility.

No state or local designated scenic roads or scenic areas are located adjacent to the site.

Agriculture

The host parcel contains no prime farmland soils according to mapping maintained by the United States Department of Agriculture (USDA) Natural Resource Conservation Service. Under PA 17-218, “prime farmland” means land that meets the criteria for prime farmland as described in 7 Code of Federal Regulations (C.F.R.) 657, as amended from time to time. 7 C.F.R. 657 defines prime farmland in relevant part as “land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses.”

By letter dated November 3, 2022, pursuant to PA 17-218, DOAg determined that the proposed Project will not materially affect the status of prime farmland.

Wetlands and Watercourses

Lodestar performed a wetland and watercourse survey in December 2021 that identified three wetlands, with interior intermittent watercourses, in proximity to the Project areas; as follows:

- Wetland 1 - forested wetland west of the existing transfer station and south of the materials storage yard.
- Wetland 2 - forested wetland along the northeast property boundary with narrow corridors extending westward to the northeast edge of the transfer station.
- Wetland 3 - forested wetland southwest of the materials storage yard. An existing access road traverses the eastern portion of the wetland.

The construction limit of disturbance (LOD) for Array 1A would be approximately 40 feet from a narrow extension of Wetland 2 but the construction area is on the landfill cap and no soil disturbance would occur. The LOD for Array 1B would be approximately 60 feet from Wetland 1. The LOD for Array 2 would be 50 feet from Wetland 3 and 75 feet from Wetland 1 (revised site plans dated 12/14/22).

A vernal pool (VP) was identified within Wetland 2, west of the Array 1B development area. The construction limit of disturbance (revised site plans dated 12/14/22) would be outside of the vernal pool envelope, which extends from the vernal pool edge to a distance of 100 feet. Development of the Project would maintain forested

areas and vernal pool species migratory corridors to the north and west of the vernal pool in accordance with the 2015 U.S. Army Corps of Engineers Vernal Pool Best Management Practices. Vernal pool species would most likely avoid open grass areas to the east, where Array 1B would be developed, and to the south where a state highway (Route 44) acts as a migratory barrier.

Lodestar would implement Vernal Pool and Wetland Protection Measures during construction and would establish erosion and sedimentation controls consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*. The Site plans specify the use of meshless or jute erosion control netting to reduce the potential entanglement of amphibian and reptile species that may inhabit the site.

Wildlife

DEEP issued a Natural Diversity Data Base Determination letter on October 18, 2021 that identified two state-threatened invertebrate species (a bee and a horsefly), two state special-concern bats species (red bat and hoary bat), one special-concern reptile species (smooth green snake) and one natural community (poor fen) that could be affected by the proposed Project.

DEEP recommended implementation of species management procedures where appropriate or where potential habitat exists. Lodestar analyzed the habitat needs for each listed-species and would implement DEEP recommended mitigation measures, including, but not limited to, planting wildflower habitat for pollinators, avoiding tree clearing from May 1 to July 31 to protect bat species, implementing smooth green snake protective measures, and designing the stormwater management system to maintain on-site and off-site water quality.

The northern long-eared bat (NLEB), a state and federally-listed Endangered Species, is known to occur in Connecticut. However, the nearest known NLEB habitat resource is located more than 2.6 miles southeast of the site and no impact to NLEB is expected. A U.S. Fish and Wildlife Service (USFWS) NLEB impact permit is not required. The tree clearing restriction from May 1 to July 31 would also be protective of NLEB that may occur in the site area.

At the request of DEEP, site perimeter fencing would be raised a minimum six inches from ground level to allow for small animal movement to and from the array areas.

The stormwater detention basins would be seeded with a wetland plant mix. The solar array areas would be seed with a wildflower/pollinator mix.

Core Forest

Under PA 17-218, “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 DEEP. UCONN’s Center for Land Use Education and Research defines “core forest” as forested areas that are essentially surrounded by more forested areas and fall into three classes – small core forest, medium core forest and large core forest. Small core forest is comprised of core forest patches that are less than 250 acres. Medium core forest is comprised of core forest patches that are between 250-500 acres. Large core forest is comprised of core forest patches that are greater than 500 acres. Forestland that that does not meet the definition of core forest is considered “edge forest”. Edge forest is a forested area extending up to 300 feet from a non-forest feature such as a road.

Approximately 6.4 acres of forest would be cleared for the Project, as follows: 1.2 acres for Array 1A/1B and approximately 5.2 acres for Array 2. A small core forest in the Array 2 area (4.7 acres) would be reduced to 0.1 acre as a result of clearing.

By letter dated August 9, 2022, pursuant to PA 17-218, DEEP determined that the proposed Project will not materially affect the status of core forest.

Air Quality

The Project would not produce air or water emissions as a result of operation. The Project would not produce air emissions of regulated air pollutants or greenhouse gases during operation.

Water Quality

The facility would not use or discharge water during site operations.

The site is not within a DEEP-designated Aquifer Protection Area. The western portion of the host property is within the Crystal Lake Reservoir Public Water Supply Watershed. Subsurface water quality is designated as suitable for consumption without treatment and water that may not meet current standards.

Lodestar does not expect the installation of the racking posts in the Array 2 area to have an impact on groundwater resources.

Fuel is anticipated to be stored on site during construction. Lodestar developed a Spill Prevention, Control and Countermeasure Plan for the construction phase of the Project.

Stormwater

Pursuant to CGS Section 22a-430b, DEEP retains final jurisdiction over stormwater management and administers permit programs to regulate stormwater discharges. DEEP regulations and guidelines set forth standards for erosion and sedimentation control, stormwater pollution control and best engineering practices. The DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (General Permit) requires implementation of a Stormwater Pollution Control Plan (SWPCP) to prevent the movement of sediments off construction sites into nearby water bodies and to address the impacts of stormwater discharges from a proposed project after construction is complete. In its discretion, DEEP could require an Individual Permit for discharges and hold a public hearing prior to approving or denying any General or Individual Permit (Stormwater Permit) application.

A DEEP-issued Stormwater Permit is required prior to commencement of construction activities. The Stormwater Permit includes erosion control measures that comply with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* and the *2004 Connecticut Stormwater Quality Manual*.

A construction sequence on the site plans includes the establishment of erosion control measures, site clearing and construction and installation of stormwater management basins. Stumps outside of the perimeter fence would remain in place to limit soil disturbance. Once disturbed areas are stabilized, installation of site infrastructure would commence. Work on all three array areas would occur concurrently.

Erosion of the landfill cap from the panel drip edge is not anticipated as vegetation would be established. In addition, rows of woody debris would be installed at different contour intervals along the landfill cap to slow, re-distribute and maintain sheet flow. If eroded areas are identified, they would be repaired through the addition of clean fill materials such as sand and/or gravel that would reduce flow velocities.

Lodestar discussed the Project with the DEEP Stormwater Division on August 15, 2022. Lodestar submitted an application under the General Permit, and it is currently under review. A post-construction stormwater analysis concluded that Array 1A would require one stormwater detention basin and Array 2 would require three stormwater detention basins to maintain post-construction runoff below pre-construction levels. The Stormwater

Division did not comment on the proposed stormwater management design. In compliance with Stormwater Permit Appendix I, Lodestar would not install stormwater control features within 50 feet of wetlands (revised site plans dated 12/14/22).

Operation and Maintenance

A post-construction Operations and Maintenance (O&M) Plan has been developed that includes provisions for periodic inspections of physical site features and structural and electrical components.

An evaluation of the facility and performance of preventative maintenance measures would be conducted annually by on-site personnel. The evaluation would include the electrical system/components, physical infrastructure, and site vegetation. Replacement modules would not be stored on-site.

Water would be used for module cleaning if necessary. Snow removal would be conducted on an as needed basis.

Vegetative maintenance within the array areas would be performed three times annually during the growing season. During this time, the site would be inspected for erosion, vegetation health, and vegetative growth that may have project shading impact. Pesticides and/or herbicides would not be used at the site.

Decommissioning

The Project is designed for an operational life of at least 20 years. At the end of the Project's useful life, the Project would be decommissioned and the site restored to its pre-existing condition. Project decommissioning would include removal and disposal or recycling of all above-surface project components. It is anticipated decommissioning would be completed within 8 weeks.

All recyclable materials would be transported to the appropriate nearby recycling facilities (estimated 95 percent of material). Any non-recyclable materials will be properly disposed of at a nearby landfill (estimated 5 percent of material). The transformer and interconnection equipment pads would be removed. Underground infrastructure would be removed to a depth of three feet. Disturbed areas would be backfilled with native soil, stabilized and seeded.

The overhead interconnection circuit and associated utility poles would remain in place unless the landowner requests their removal.

The selected solar panels for the Project meet current Toxicity Characteristic Leaching Procedure (TCLP) criteria for characterization as nonhazardous waste in the event the solar panels are not recycled at the end of the project's life.

Conclusion

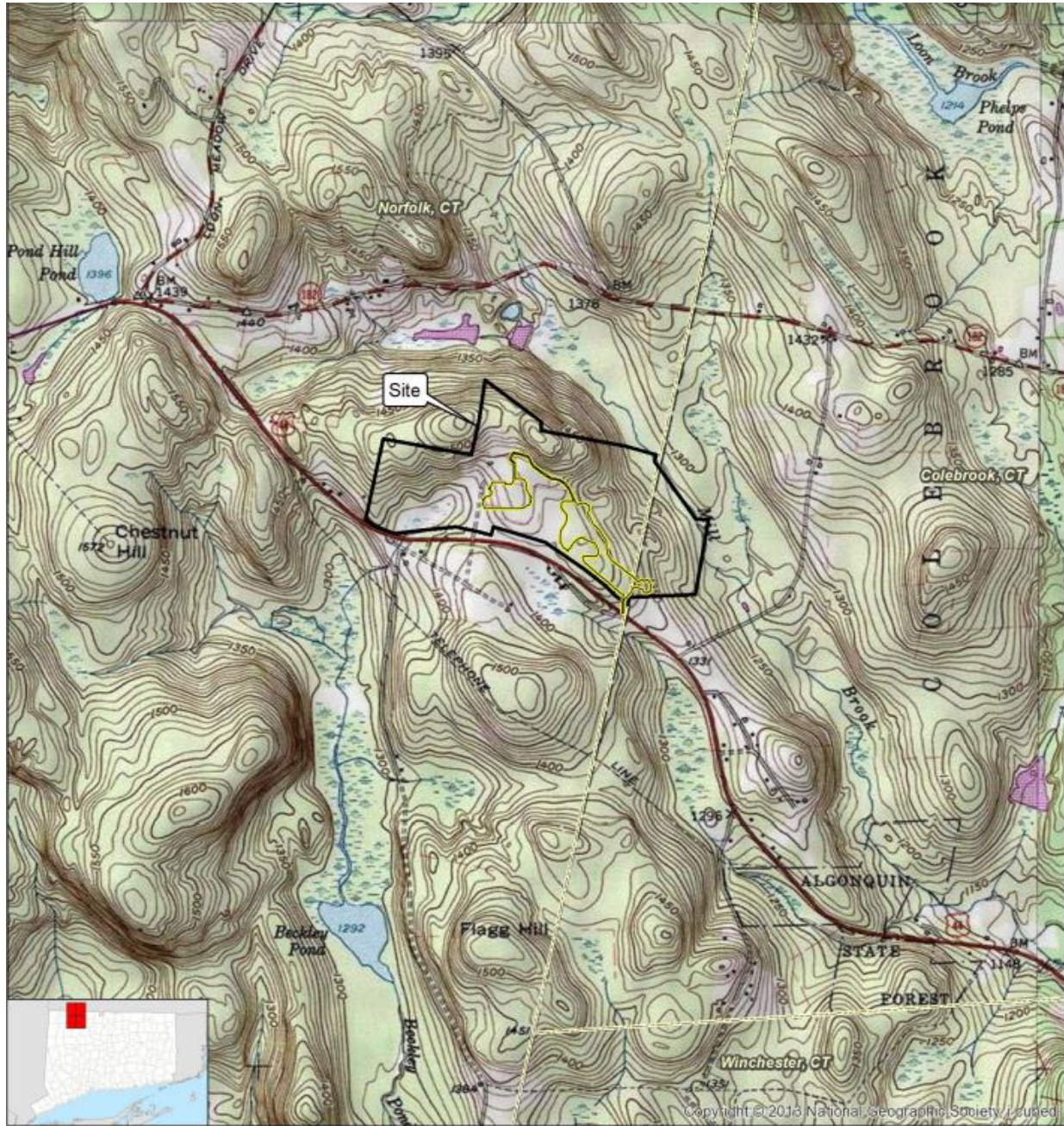
The project is a grid-side distributed resource with a capacity of not more than sixty-five megawatts, meets air and water quality standards of the DEEP, and would not have a substantial adverse environmental effect. The proposed project will not produce air emissions, will not utilize water to produce electricity, was designed to minimize environmental impacts, and furthers the State's energy policy by developing and utilizing renewable energy resources and distributed energy resources. Furthermore, the project was selected under the state's SCEF Program.

Recommendations

If approved, staff recommends the following conditions:

1. Approval of any project changes be delegated to Council staff;
2. Submit a copy of the DEEP Stormwater Permit prior to the commencement of construction;
3. Submit the final structural design for the post and ballast racking systems stamped by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
4. Submit construction work hours/daily schedule; and
5. Provide training to emergency responders.

Site Location



- Legend**
- Project Area
 - Site
 - Municipal Boundary

Map Notes:
Base Map Source: USGS 7.5 Minute Topographic
Quadrangle Maps, Norfolk, CT (1989), South Simsbury, MA-CT
(1959), Toland Center, MA-CT (1989), and Winstead, CT (1984)
Map Scale: 1 inch = 2,000 feet
Map Date: October 2022



Figure 1
Site Location Map
Proposed Solar Energy Facility
599 Greenwoods Road East
Norfolk, Connecticut



Host Property- Existing Conditions

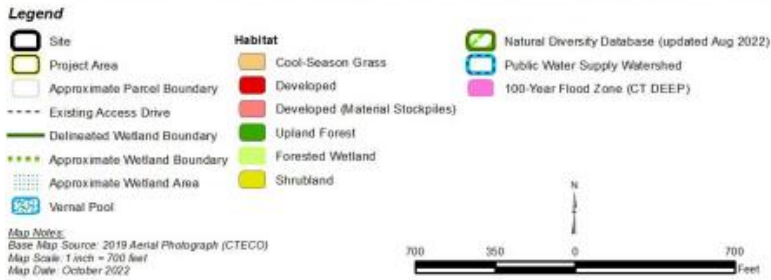
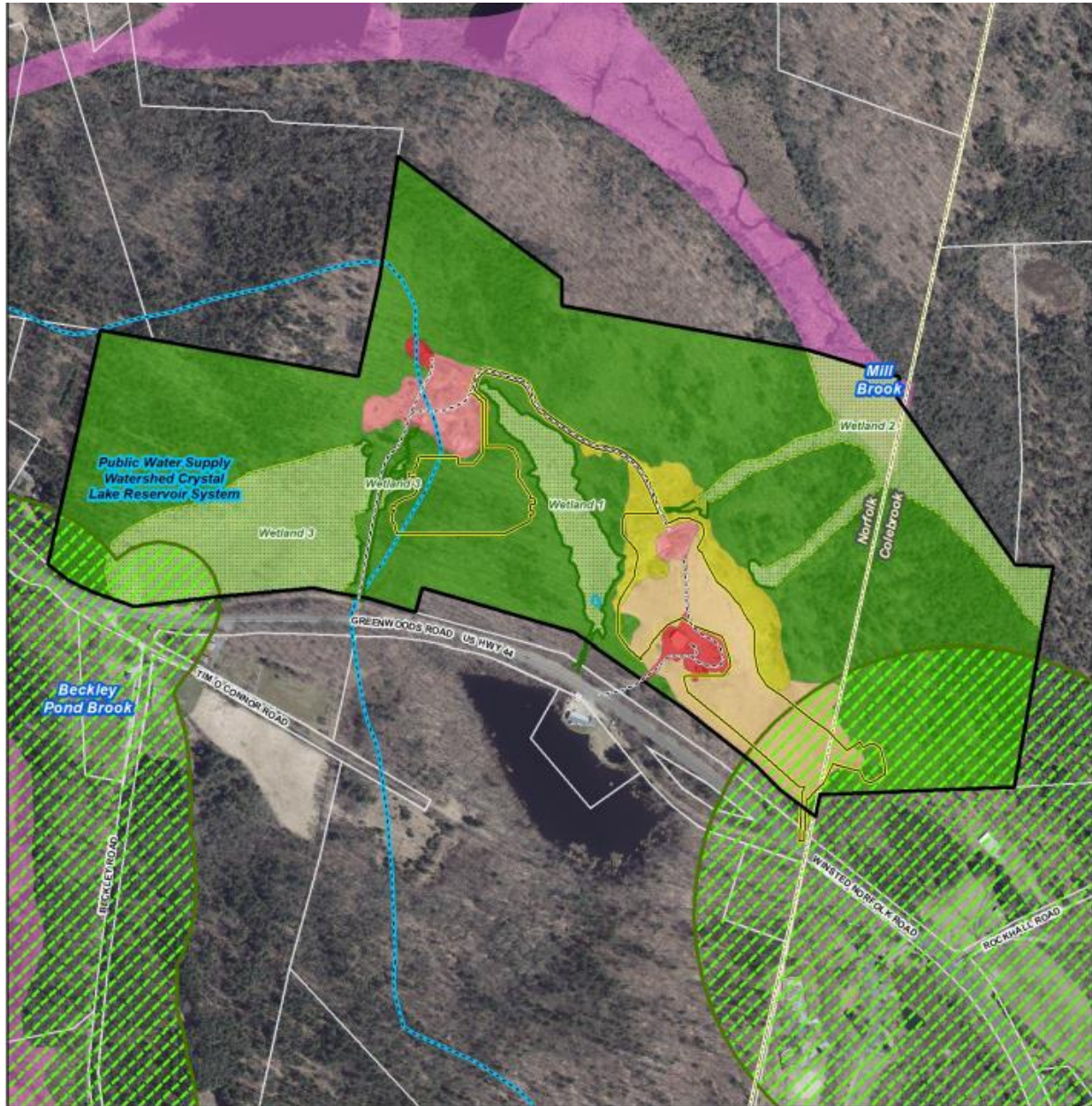
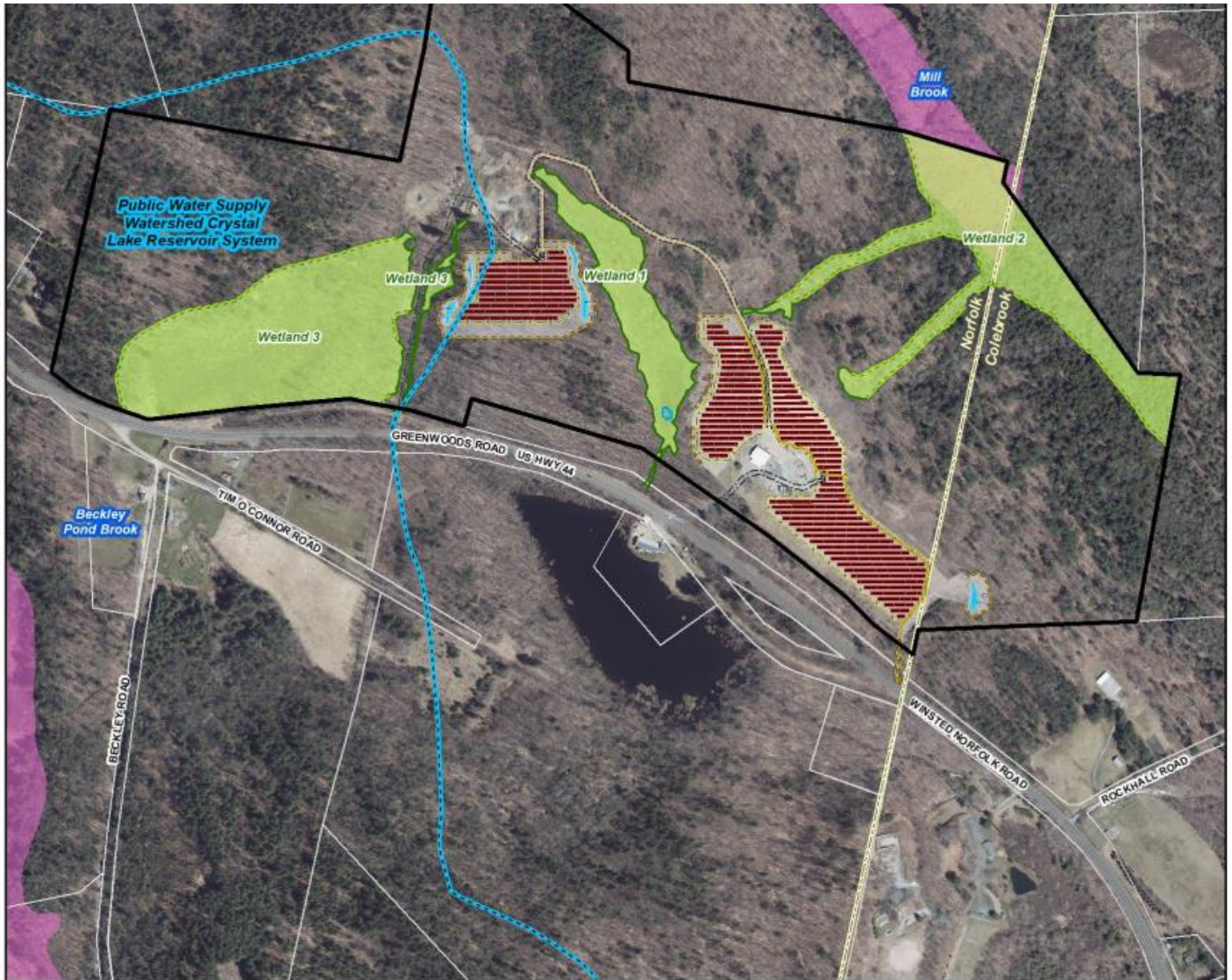


Figure 2
Existing Conditions
 Proposed Solar Energy Facility
 599 Greenwood's Road East
 Norfolk, Connecticut

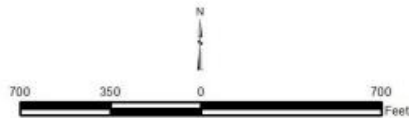


Proposed Site Layout



- Legend**
- Site
 - Utility Pole
 - Solar Module
 - Drainage Basin
 - Drainage Structure
 - Concrete Equipment Pad
 - Riprap Slope Protection
 - Limit of Disturbance
 - Access and Utility Easement
 - Contour
 - Access Drive
 - Drain Pipe
 - Fence
 - Proposed Tree Line
 - Electrical Utility (Overhead and Above Ground Conduit)
 - Underground Electrical Utility
 - Delineated Wetland Boundary
 - Approximate Wetland Boundary
 - Wetland Area
 - Vernal Pool
 - Approximate Parcel Boundary
 - Municipal Boundary
 - Public Water Supply Watershed
 - 100-Year Flood Zone (CT DEEP)

Map Notes:
 Base Map Source: 2019 Aerial Photograph (CTECO)
 Map Scale: 1 inch = 700 feet
 Map Date: October 2022



**Figure 3
 Proposed Conditions**

Proposed Solar Energy Facility
 599 Greenwood's Road East
 Norfolk, Connecticut



STATE OF CONNECTICUT)

: ss. Southington, Connecticut January 20, 2023

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Decision and Staff Report in Petition No. 1544 issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



Melanie A. Bachman
Executive Director
Connecticut Siting Council

STATE OF CONNECTICUT)

: ss. New Britain, Connecticut January 20, 2023

COUNTY OF HARTFORD)

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1544 has been forwarded by Certified First Class Return Receipt Requested mail, on January 20, 2023, to all parties and intervenors of record as listed on the attached service list, dated November 1, 2022.

ATTEST:



Lisa A. Mathews
Office Assistant

Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Petitioner	<input checked="" type="checkbox"/> E-mail	LSE Pyxis LLC (Lodestar Energy)	<p>Carrie Larson Ortolano, Esq. General Counsel LSE Pyxis LLC c/o Lodestar Energy LLC 40 Tower Lane, Suite 201 Avon, CT 06001 Phone (860) 539-5137 cortolano@lodestarenergy.com</p> <p>Jeffrey J. Macel LSE Pyxis LLC c/o Lodestar Energy LLC 40 Tower Lane, Suite 201 Avon, CT 06001 jmacel@lodestarenergy.com</p>