



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

December 2, 2022

TO: Service List, dated November 1, 2022

FROM: Melanie Bachman, Executive Director *MB*

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.

Comments have been received from the Connecticut Department of Energy and Environmental Protection on December 2, 2022. A copy of the comments is attached for your review.

MB/RDM/lm

c: Council Members

Lm

December 1, 2022

Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

RE: 4.0-MW Photovoltaic Generating Facility
(LSE Pyxis LLC/Lodestar Energy)
Norfolk, Connecticut
Petition No. 1544

Dear Members of the Connecticut Siting Council:

Staff of this department have reviewed the above-referenced Petition for Declaratory Ruling that no Certificate of Environmental Compatibility and Public Need will be required for the construction of a 4.0-MW photovoltaic generating facility occupying 13.6 acres at 599 Greenwood Road East (US-44) in Norfolk. In addition, a field review of the site was conducted on November 18, 2022. Based on these efforts, the following comments are offered to the Council for your consideration in this proceeding.

As in other recent DEEP comments concerning photovoltaic generating facilities, we note that the construction of facilities such as that proposed in this petition will aid in the achievement of Connecticut's vision for a more affordable, cleaner, and more reliable energy future for the ratepayers of Connecticut. Bringing more zero carbon energy projects on line is instrumental in furthering this vision as these resources help diversify the regional fuel mix, and they aid in implementing Governor Lamont's Executive Order No. 3 that DEEP investigate pathways to achieve a 100% zero-carbon electric sector by 2040. Developing grid-scale renewables is also imperative to the state's success in achieving its statutory goal of reducing carbon emissions by 45% below 2001 levels by 2030 and by 80% below 2001 levels by 2050.

Further, the use of former landfill sites, such as the host site for this facility, is strongly encouraged by this department as a way to put such sites back into productive use while adding generating capacity at sites that involve only very modest environmental impacts.

Site Description

Most of the host site, specifically the area referred to as Arrays 1A and 1B in the Petition, is the site of the now closed Norfolk Landfill. The Norfolk Transfer Station is currently located at the landfill site, immediately adjacent to the footprint of the proposed solar facility. According to information presented at the August 15, 2022 pre-application meeting with the applicant, the landfill was closed in the mid-1990s. The transfer station and the landfill site appear clean and well maintained. Grass cover on the landfill is dense and well established with no signs of erosion on the site. Slopes on the site are flat to very gentle. No homes are visible from the proposed site. One home is located directly across US-44 from the access road to the

transfer station. That property also supports a business, the nature of which was not readily apparent, but a for sale sign posted at this property lists it as a 'residential-retail' property.

Substantial wooded buffer exists on all sides of both the Array 1 and Array 2 parcels, which will prevent any off-site views of the facility. The forest buffer is deciduous in nature but of sufficient width to prevent visibility of the facility.

The existing material storage yard which, based on figures 4 and 5 of the Environmental Assessment (Exhibit 8) would be included within the footprint of Array 1, contains five piles: wood chips, leaves, brush, compost, and pallets. This flat, cleared area is enclosed by a 2-3' embankment around its northern edge to prevent drainage into a wetland area.

During the site visit on November 18, the ambient noise was dominated by the sound of gunfire from an easterly to southeasterly direction. This was similarly the case during the site reviews for the nearby BNE Energy Colebrook South and Colebrook North wind turbines in March 2011, Petitions No. 983 and 984 respectively, with the source being the same shooting range.

The area where Array 2 is proposed to be constructed is a flat, mostly cleared area to the west of Array 1. As of the date of the DEEP site review, this area was being used as a staging area for the clean-up from an 8,200-gallon fuel spill that occurred on US-44 on November 5. The site was hosting three excavators, 40 roll-off containers for soil storage, seven mobile liquid storage tanks, and several piles of gravel and soil.

According to figure 5 of Exhibit 8, the southeastern corner of Array 2 would be the area which would involve the clearing of 0.77 acres of core forest. The forest cover in this portion of the Array 2 footprint consists of beech, red maple, red oak, white pine, paper birch and ash, with the largest trees being 12" dbh but most trees being considerably smaller. This is admittedly a small forest block but its habitat value is increased by its location adjacent to a significant wetland area (Wetland 1).

The vernal pool at the southern tip of Wetland 1 did have very noticeable outflow from its southern end on November 18 but the pool depth exceeds the depth of the outlet channel so it may well function as a vernal pool at other seasons. The remnants of the earthen dam mentioned in Exhibit 8 were not seen.

Mill Brook is very well separated from the eastern and northeastern ends of Array 1 and will be well buffered from any construction impacts of that array.

The solar facility will not visually or otherwise impact two recreational land uses directly east of the proposed site, namely Masseur Park Grounds or the Rock Pile Driving Range.

Natural Diversity Data Base

No additional communications or updates have taken place between the DEEP Natural Diversity Data Base and Lodestar/ LSE Pyxis subsequent to the letter of October 18, 2021 which is included as Appendix B of the Environmental Assessment (Exhibit 8) of the Petition materials.

Construction Stormwater Management

Construction projects involving five or more acres of land disturbance, including this one, require either an individual NPDES discharge permit from DEEP or they may register for coverage under the Department's General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (DEEP-WPED-GP-015). Lodestar Energy has submitted an application under the General Permit, and that submittal is currently under review.

Landfill Disruption Authorization

Lodestar submitted its request for an Authorization for Disruption of a Solid Waste Disposal Area on November 14, 2022, and that submittal is currently under review.

Miscellaneous Petition Commentary

Paragraph 5 of Exhibit 4, the Decommissioning Plan, states that "Once associated components and materials have been properly disposed, the gravel access road will be removed." It is likely that the Town of Norfolk will want to maintain the existing access road after the solar facility ceases operations. Was this facet of the decommissioning plan coordinated with the Town or is this merely remnant language from a previous submittal's decommissioning plan?

Thank you for the opportunity to review this petition and to submit these comments to the Council. Should you, other Council members or Council staff have any questions, please feel free to contact me at (860) 424-4110 or at frederick.riese@ct.gov.

Respectfully yours,



Frederick L. Riese
Senior Environmental Analyst

CC: Katie Dykes, Commissioner