



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

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Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

### VIA ELECTRONIC MAIL & CERTIFIED MAIL RETURN RECEIPT REQUESTED

March 3, 2023

Brian Smith  
VCP FX CT, LLC  
150 Trumbull Street, 4th Floor  
Hartford, CT 06103  
[bsmith@verogy.com](mailto:bsmith@verogy.com)

RE: **PETITION NO. 1550** – VCP FX CT, LLC d/b/a Verogy petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.5-megawatt AC roof-mounted solar photovoltaic electric generating facility located at the Fed Ex Distribution Center, 49 FedEx Drive, Middletown, Connecticut, and associated electrical interconnection.

Dear Brian Smith:

At a public meeting held on March 2, 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. Submit the final structural design for the racking system stamped by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
3. Provide training to emergency responders;
4. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities;
5. 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;
6. 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 City of Middletown;

7. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
8. 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;
9. The facility owner/operator shall file an annual report on a forecast of loads and resources pursuant to Conn. Gen. Stat. §16-50r; and
10. This Declaratory Ruling may be transferred or partially transferred, provided both the facility owner/operator/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. 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. Both the facility owner/operator/transferor and the transferee shall provide the Council with a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility, including contact information for the individual acting on behalf of the transferee.

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 November 18, 2022 and additional information received on January 26, 2023.

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

Sincerely,



Melanie A. Bachman  
Executive Director

MAB/IN/lm

Enclosure: Staff Report dated March 2, 2023

- c: Service List dated November 21, 2022  
The Honorable Benjamin Florsheim, Mayor, City of Middletown ([mayor@middletownct.gov](mailto:mayor@middletownct.gov))  
The Honorable Steve Fortenbach, Mayor, Town of Cromwell ([mayor@cromwellct.com](mailto:mayor@cromwellct.com))  
Anthony J. Salvatore, Town Manager, Town of Cromwell ([townmanager@cromwellct.com](mailto:townmanager@cromwellct.com))  
The Honorable Mark H. Kaczynski, Mayor, Town of Berlin ([mkaczynski@town.berlin.ct.us](mailto:mkaczynski@town.berlin.ct.us))  
Arosha Jayawickrema, Town Manager, Town of Berlin ([ajayawickrema@town.berlin.ct.us](mailto:ajayawickrema@town.berlin.ct.us))



# STATE OF CONNECTICUT *CONNECTICUT SITING COUNCIL*

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**Petition No. 1550**  
**VCP FX CT, LLC d/b/a Verogy**  
**1.50 MW AC Solar Photovoltaic Electric Generating Facility**  
**49 FedEx Drive, Middletown**  
**Staff Report**  
**March 2, 2023**

## **Introduction**

On November 18, 2022, VCP FX CT, LLC d/b/a Verogy (Verogy) submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k for the construction, operation and maintenance of a 1.5 megawatt (MW) alternating current (AC) solar photovoltaic electric generating facility located on the roof of the Fed Ex Distribution Center building at 49 FedEx Drive, Middletown, Connecticut (Petition or Project).

Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-40, on or about November 14, 2022, Verogy notified abutting property owners, City of Middletown (City), Town of Cromwell and Town of Berlin<sup>1</sup> (Towns) officials, and state officials and agencies of the proposed Project. No comments were received.

Pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act, an administrative agency is required to take action on a petition 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 May 17, 2023, which is the 180-day statutory deadline for a final decision under CGS §4-176(i).

On January 9, 2023, the Council issued interrogatories to Verogy. Verogy submitted responses to the interrogatories on January 26, 2023.

## **Municipal Consultation**

In November 2022, Verogy informed municipal officials in the City and Towns of its plans to develop the Project. No comments were received.

On November 22, 2022, the Council sent correspondence to the City and the Towns stating that the Council has received the Petition and invited the municipalities to contact the Council with any questions or comments by December 18, 2022. No comments were received from the City or the Towns.

## **State Agency Comments**

On November 22, 2022, the Council sent correspondence requesting comments on the proposed Project from the following state agencies by December 18, 2022: Department of Energy and Environmental Protection (DEEP); Department of Agriculture (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

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<sup>1</sup> The Town of Cromwell and Town of Berlin are located within 2,500 feet of the proposed facility site.

Emergency Services and Public Protection (DESPP); Department of Consumer Protection (DCP); Department of Labor (DOL); Department of Construction Services (DCS); Department of Transportation (DOT); the Connecticut Airport Authority (CAA); and the State Historic Preservation Office (SHPO).

The Council on Environmental Quality (CEQ) submitted comments in support of the Project on December 16, 2022.<sup>2</sup> No other state agencies provided 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.<sup>3</sup>

### **Public Act 17-218**

Public Act (PA) 17-218<sup>4</sup> 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.” The proposed facility has a capacity of 1.50 MW; therefore, it is exempt from the provisions of PA 17-218.

### **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.

Verogy was awarded one 15-year Low Emissions Renewable Energy Credit (LREC) contract for approximately 2.0 MW AC under the state’s LREC/ZREC Program to sell the renewable energy credits (RECs) from the facility. The LREC/ZREC Program was developed as part of Public Act 11-80, “An Act Concerning the Establishment of the [DEEP] and Planning for Connecticut’s Energy Future.” The LREC/ZREC Program is not among the competitive energy procurement programs that are exempt from PA 17-218.<sup>5</sup>

There are no provisions to extend the LREC contract. At the conclusion of the LREC contract term, the renewable energy credits would be sold on the spot market.

The Project will generate the most power during the summer electrical peak. Verogy may participate in an ISO-New England, Inc. (ISO-NE) Forward Capacity Auction.

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<sup>2</sup> [https://portal.ct.gov/-/media/CSC/3\\_Petitions-medialibrary/Petitions\\_MediaLibrary/MediaPetitionNos1501-1600/PE1550/ProceduralCorrespondence/PE1550-SACRCDPI\\_CEQ\\_s.pdf](https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1550/ProceduralCorrespondence/PE1550-SACRCDPI_CEQ_s.pdf)

<sup>3</sup> *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007).

<sup>4</sup> Codified at Conn. Gen. Stat. §16-50k(a) and §16a-3k (2023).

<sup>5</sup> ZREC contracts are limited to 1 MW, and LREC contracts are limited to 2 MW. (CGS §16-244r).

### **Proposed Site**

Verogy proposes to construct the solar facility on the roof of a commercial building located on an approximately 204.8 acre parcel zoned Industrial. The parcel is located south of Division Street and west of Industrial Park Road. It hosts the FedEx Distribution Center (FedEx).

The Project would be located on the central portion of the FedEx roof, which is approximately 71 feet and 79 feet above ground level (agl) on its southern and northern sides, respectively.

Surrounding land uses consist of a mix of industrial, commercial and residential development. The nearest property line and residence from the solar facility are approximately 445 feet and 530 feet to the west, respectively, at 1021 Middle Street.

### **Proposed Project**

Verogy proposes to install a 1.50 MW AC solar facility consisting of a total of 3,776 solar panels rated at 545 watts each on the roof of the FedEx building.

The panels would be installed facing south on a fixed racking system. The panels would be installed at a 5 degree angle, approximately 6 inches above the roof at the same slope as the roof.

Panel row wiring would be installed within the racking system or cable tray to reduce exposure to weather events or animals. The solar panels would connect to approximately twenty-five 60-kilowatt string inverters that would also be installed on the roof of the FedEx building. Electrical switchgear would be installed at ground level adjacent to the western side of the building (see Figure 3).

The facility would be interconnected to one of two existing switchgear units located inside the building's electrical room. The switchgear units are currently served by two 2,000 kVA pad-mounted utility transformers. The two existing transformers and switchgear equipment are sufficient for the proposed and existing electricity generation. Thus, no new transformers or switchgear are proposed.

An interconnection application has been submitted to Eversource for the Project. Subsequently, Eversource initiated an impact study for the Project. Review by ISO-NE would be addressed by Eversource during the interconnection process. Any distribution upgrades, if necessary, would be determined by the impact study.

The proposed facility, in collaboration with an existing 1.0 MW AC fuel cell system,<sup>6</sup> would provide approximately 100 percent of FedEx's electrical needs when operational. All of the electricity generated by the proposed facility would be used on-site.

The capacity factor for the Project is approximately 16.4 percent. The power output would decline over time with an anticipated annual power output loss of approximately 0.50 percent.

Access to the solar facility would be via the existing driveway and parking lot for FedEx. Construction materials would be stored within a proposed staging area located within an existing paved parking area northwest of the building.

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<sup>6</sup> The Council issued a Declaratory ruling to Bloom Energy Corporation for a 1.0 MW AC fuel cell system in Petition No 1332 on December 17, 2017. Construction was complete on May 10, 2021.

Construction is anticipated to begin in the Spring of 2023 and would occur over an approximately six month period. Typical construction hours and work days of the week are as follows: Monday – Saturday, 7:00 AM to 5:00 PM; and Sunday, 9:00 AM to 5:00 AM.

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. Verogy is a private entity. The estimated cost of the Project is \$3,300,000.

### **Public Safety**

The Project would comply with the National Electrical Code, the National Electrical Safety Code and any applicable National Fire Protection Association codes and standards.

Under Federal Aviation Administration (FAA) criteria, the Project would not be a Hazard to Air Navigation or require a FAA glare analysis.

The facility would be remotely monitored 24/7 to monitor the full site and inverter level production, alarm status and site weather data.

An emergency shut-off switch with appropriate signage and accessible to emergency responders would be located at ground level. FedEx would coordinate with City emergency responders regarding access to the facility and the emergency shutoff switch.

The facility would be constructed to a 120 mph design wind speed standard, to prevent separation of the solar modules from the solar roof rail mounting system during high wind conditions. The racking system would be designed to the 2020 International Building Code for snow loading (20 pounds per square foot).

A Professional Engineer duly licensed in the State of Connecticut has certified that the existing roof structure of the building is adequate to support the proposed loading.

Verogy will provide training to local emergency first responders for emergencies related to photovoltaic facilities. Emergency personnel would access the site via the existing access drive and an emergency shut-off switch with appropriate signage would be made available at ground level.

The proposed facility would be in compliance with DEEP Noise Control Standards. Construction-related noise is exempt from DEEP Noise Control Standards.

The ground equipment associated with the electrical interconnection 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*

There are no historic or recreational resources within half-mile of the proposed site. The nearest historic area is the Worthington Ridge Historic District, located approximately 2 miles to the northwest. The facility is to be located on a building roof within an existing developed area and would not be visible from any historic or recreational resources.

### *Visibility*

The proposed facility would not have significant visual impacts. Given the topography, the roof of the FedEx building would extend just above ground level along Middle Street. Existing topography and vegetation would restrict views of the proposed facility from Industrial Park Road looking to the east, Division Street to the north and Philmack Drive to the southeast.

There are no national, state and/or locally designated scenic roads near the proposed site.

### *Agriculture*

The host parcel contains prime farmland soils according to mapping maintained by the United States Department of Agriculture Natural Resource Conservation Service; however, the Project will not impact prime farmland soils as they are outside of the area of ground disturbance.

### *Wetlands and Watercourses*

A forested wetland system associated with Sawmill Brook is located approximately 300 feet east of the proposed Project (see Figure 2). Another forested wetland system, associated with the Mattabeset River runs along the northeastern border of the host parcel. No construction activities or ground excavation would occur within or near these areas, thus the wetland systems would not be impacted by the proposed Project.

### *Wildlife*

The host parcel is not within a DEEP Natural Diversity Database (NDDB) area. Ground disturbance would be limited to an existing paved area adjacent to the building.

The northern long-eared bat (NLEB), a federally-listed and state-listed Endangered Species, is known to occur in Connecticut. However, no trees would be removed to construct the facility.

### *Forest*

The Project is a rooftop facility that would not require tree clearing.

### *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 site is not within a DEEP-designated Aquifer Protection Area.

### Stormwater

A DEEP-issued General Permit is not required prior to commencement of construction activities because the Project would disturb less than one acre for the required utility connections, and the solar arrays would be roof-mounted.

The proposed rooftop solar facility would not impact roof storm drains, would not impact or impede the flow of water on the roof of the building and would have no effect on the existing code compliance status

of the existing rooftop drainage system. No upgrades to the existing stormwater drainage system are required.

### **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 and physical infrastructure. Replacement solar modules would not be stored on-site.

Module cleaning would only be conducted on an as needed basis using water. Snow removal is not anticipated.

### **Decommissioning**

The Project has an operational life of approximately 35 years. At the end of the Project's useful life, the Project would be decommissioned and removed from the site. Project decommissioning would include removal and disposal or recycling of project components.

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 customer-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 LREC/ZREC Program.

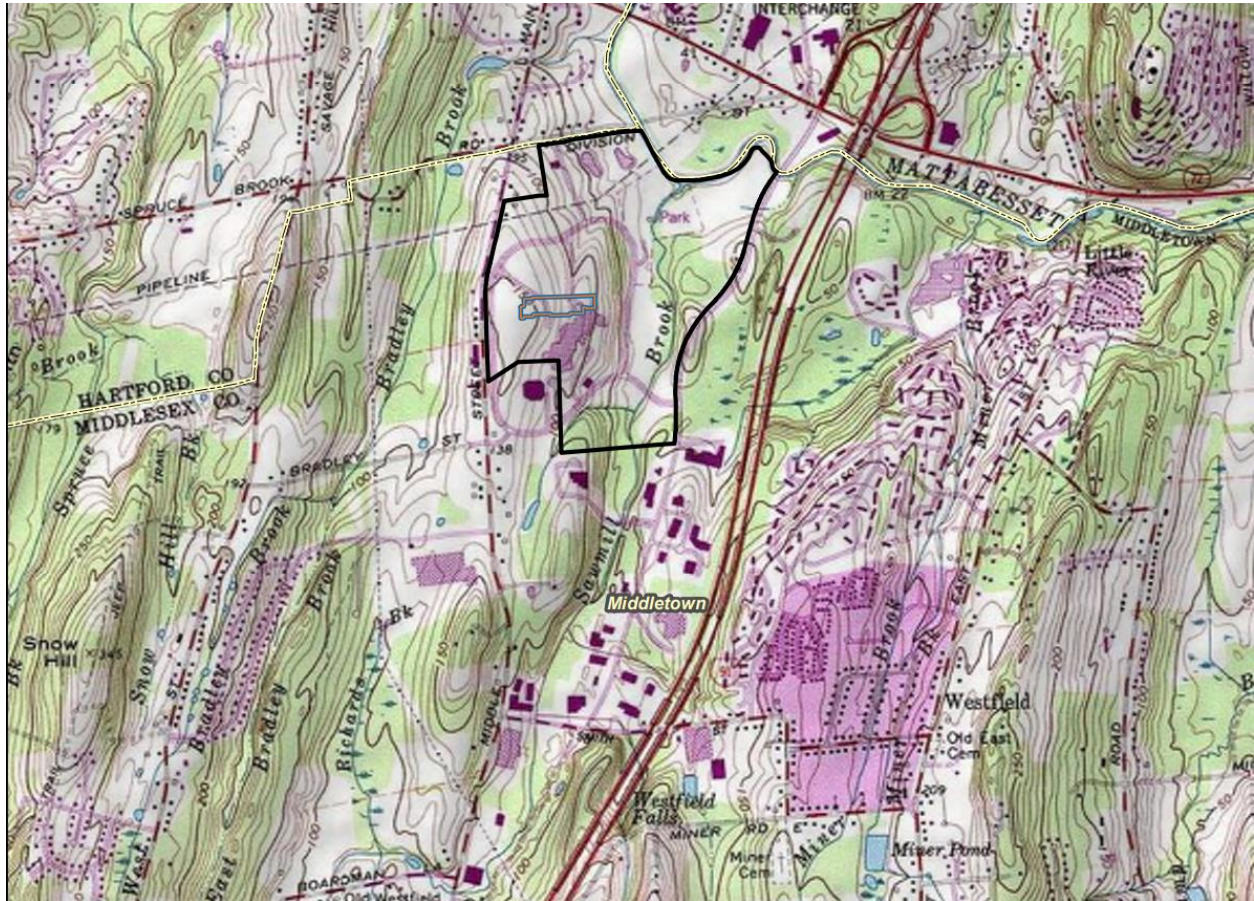
### **Recommendations**

If approved, staff recommends inclusion of the following conditions:




1. Approval of any Project changes be delegated to Council staff;
2. Submit the final structural design for the racking system stamped by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction; and
3. Provide training to emergency responders.



**Figure 1: Proposed Site location**



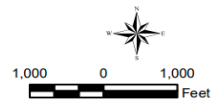
**Legend**

-  Site
-  Project Area
-  Municipal Boundary (CTDEEP)

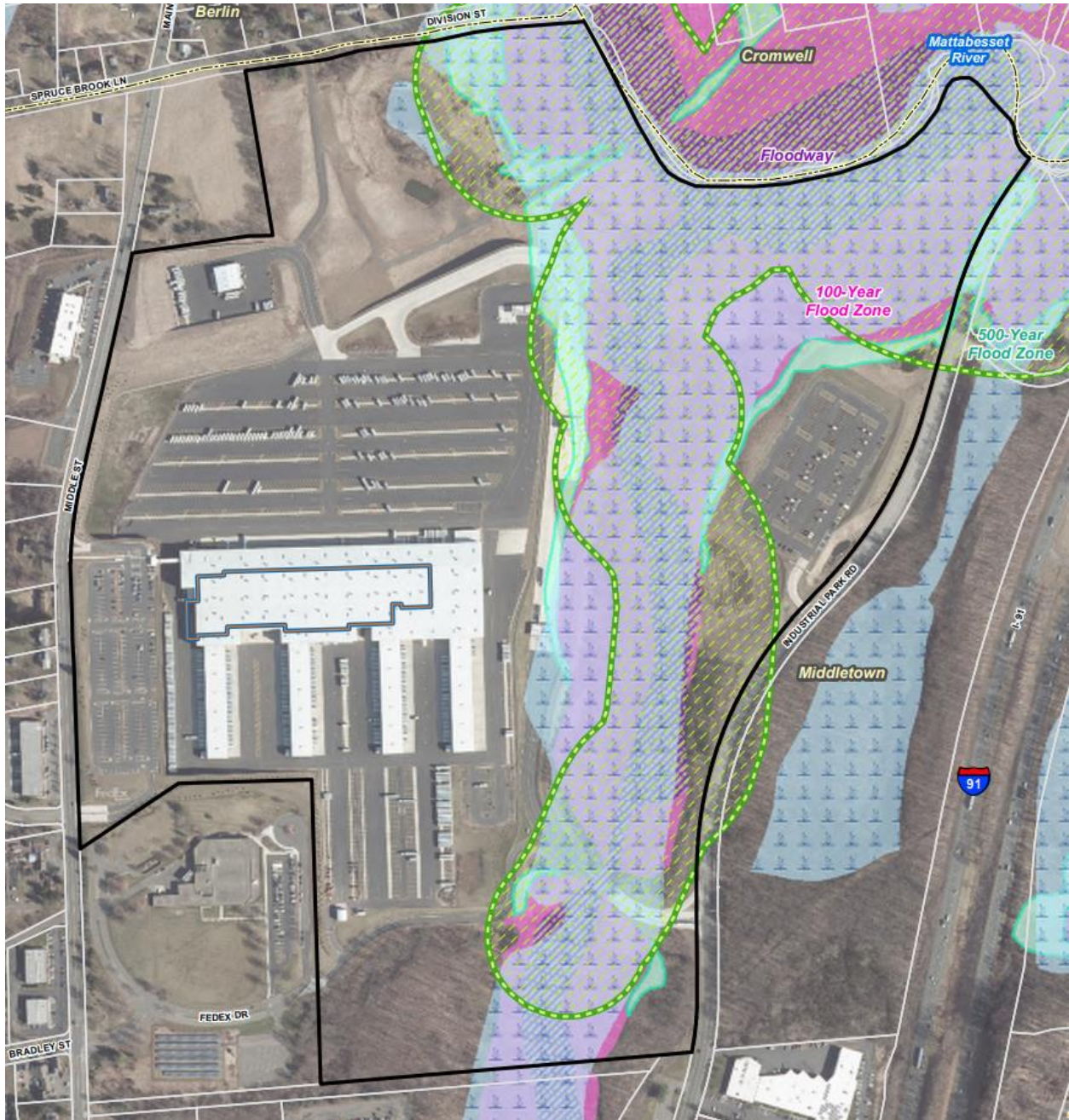
**Site Location Map**  
November 2022

**1.5 MW Roof-Mounted Solar Project**  
Federal Express Distribution Center  
49 Fedex Drive, Middletown, Connecticut

Source: USGS 7.5 Minute Topographic Quadrangle Map, Middletown, CT (1992)



**Figure 2: Existing Site Conditions**



**Legend**

- |                             |  |                     |
|-----------------------------|--|---------------------|
| Site                        | Natural Diversity Database Area (Aug 2022) | FEMA Flood Zones    |
| Project Area                | Critical Habitat (Oct 2019)*               | 100-Year Flood Zone |
| Approximate Parcel Boundary | Wetlands (CTDEEP)                          | 500-Year Flood Zone |
| 5-foot Contour Line         | Tidal Wetland*                             | Floodway            |
|                             | Aquifer Protection Area (Jan 2022)*        |                     |

Data Sources:

**Existing Conditions**  
 November 2022


**1.5 MW Roof-Moun**  
 Federal Express District  
 49 Fedex Drive, Middle



**Figure 3: Proposed Site Layout**



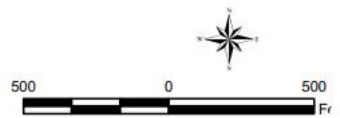
**Legend**

-  Site
-  Approximate Parcel Boundary
-  Proposed Solar Modules
-  Proposed Equipment
-  Proposed Cable Tray
-  Proposed Electrical Conduit

**Proposed Conditions**  
November 2022

**1.5 MW Roof-Mounted Solar Project**  
Federal Express Distribution Center  
49 Fedex Drive, Middletown, Connecticut

Data Sources:  
Aerial Base Map: State of Connecticut 2019 aerial imagery CTECO



STATE OF CONNECTICUT )

: ss. Southington, Connecticut March 3, 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. 1550 issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



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Melanie A. Bachman  
Executive Director  
Connecticut Siting Council

STATE OF CONNECTICUT )

: ss. New Britain, Connecticut March 3, 2023

COUNTY OF HARTFORD )

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1550 has been forwarded by Certified First Class Return Receipt Requested mail, on March 3, 2023, to all parties and intervenors of record as listed on the attached service list, dated November 21, 2022.

ATTEST:



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Lisa A. Mathews  
Office Assistant  
  
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

| <b>Status<br/>Granted</b> | <b>Document<br/>Service</b>                | <b>Status Holder<br/>(name, address &amp; phone<br/>number)</b> | <b>Representative<br/>(name, address &amp; phone<br/>number)</b>   |
|---------------------------|--|---|--|
| <b>Petitioner</b>         | <input checked="" type="checkbox"/> E-mail | VCP FX CT, LLC d/b/a<br>Verogy                                  | <p>Brian Smith<br/>VCP FX CT, LLC<br/>150 Trumbull Street, 4<sup>th</sup> Floor<br/>Hartford, CT 06103<br/><a href="mailto:bsmith@verogy.com">bsmith@verogy.com</a><br/>(860) 288-7215 x705</p> <p>James Cerkanowicz<br/>VCP FX CT, LLC<br/>150 Trumbull Street, 4<sup>th</sup> Floor<br/>Hartford, CT 06103<br/><a href="mailto:jcerkanowicz@verogy.com">jcerkanowicz@verogy.com</a><br/>(860) 288-7215</p> <p>Bradley Parsons<br/>VCP FX CT, LLC<br/>150 Trumbull Street, 4<sup>th</sup> Floor<br/>Hartford, CT 06103<br/><a href="mailto:bparsons@verogy.com">bparsons@verogy.com</a><br/>(860) 288-7215 x715</p> |
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