



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

October 18, 2023

TO: Service List, dated September 19, 2023

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1592** – Santa Fuel, Inc. petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.85-megawatt AC solar photovoltaic electric generating facility located at 159 South Road, Somers, Connecticut, and associated electrical interconnection.

Comments have been received from the Department of Energy and Environmental Protection on October 18, 2023. A copy of the comments is attached for your review.

MAB/MP/dll

c: Council Members



October 18, 2023

Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

RE: 3.85-MW Photovoltaic Solar Power Generation Facility
Santa Fuel, Inc.
159 South Road
Somers, Connecticut
Petition No. 1592

Dear Members of the Connecticut Siting Council:

Staff of the Department of Energy and Environmental Protection (DEEP) Office of Environmental Review & Strategic Initiatives has reviewed the above referenced petition by Santa Fuel, Inc. (Petitioner) for a declaratory ruling that a Certificate of Environmental Compatibility and Public Need is not required for the construction, operation, and maintenance of 3.85-megawatt solar photovoltaic power generation facility (Project). The proposed Project consists of approximately 17.11 acres of solar panels to be constructed within a 22.1-acre lease area (Project Site). The Project Site is part of a larger 108.5-acre parcel (Property) located at 159 South Road in Somers, Connecticut.

DEEP notes 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 furthers this vision by diversifying the regional fuel mix, and aids in achieving a 100% zero-carbon electric sector by 2040 as required by Connecticut General Statutes Sec. 22a-200a(a)(3). 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.

Site Description

The Property consists of 108.5 acres and is owned by Nancy B. Edgar Revocable Trust and Diane Bordeaux Lenti. Gravel mining operations were previously conducted on the Property between 1998 and 2009, and the disturbed areas were restored and currently maintained as a hay field. The rest of the Property is undeveloped woodland and an old orchard, and one single family home with barns, and two dug ponds.

The Project Site consists of undeveloped land. The Project Site will encompass approximately 13.75 acres of the existing hay field, 3.05 acres of undeveloped woodland, and 5.3 acres of the overgrown orchard.

DEEP staff visited the Project Site on October 12, 2023. Staff observed the 3.05 acres of undeveloped woodland in the southeastern portion of the Project Site (at the edge of the larger forest). The 3.05 acres of woodland is proposed to be clear cut to open space for the solar panels and for shade removal. This woodland consists predominantly of red maple trees with less than 6" diameter breast height (DBH) and black birch trees between 6-12" DBH. Some white pine trees up to 20" DBH were present, as well as one black oak tree with 30" DBH. In the northwest corner of the Project Site, on the opposite side of the hay field, is a large and old red oak tree with 60" DBH. According to the site plans in the petition, it appears that this red oak tree will not be impacted by either the proposed stormwater basin, or shading removal measures. Hopefully this specimen tree will not be impacted by the Project.

During the Project Site visit, DEEP staff observed that the vegetation in the hay field is dense and well established, making the risk for stormwater erosion and sedimentation concerns unlikely. DEEP's staff observed wetlands on the Property (through visual observations of standing water and wetland vegetation) and confirmed that the observed wetlands closely conformed to the description of the wetlands given in the petition.

DEEP staff also viewed the Project Site from South Road to determine the view from neighboring residences. There are approximately nine (9) residences on the opposite side of South Road in the vicinity of the Project Site. There is a large amount of deciduous vegetation (trees and shrubs) between South Road and the Project Site. During the winter season the eastern edge of the solar farm, which sits at a higher elevation, may be visible in the far distance with the view partially obstructed by the deciduous trees. During the summer season it appears that the view of the solar farm would be completely obstructed by leafy vegetation.

Construction Stormwater Management

Construction-related land disturbances of 0.5 acres or larger are regulated in Connecticut pursuant to the Connecticut Soil Erosion and Sediment Control Act under Sections 22a-325 to 22a-329, inclusive, of the Connecticut General Statutes (CGS). Construction-related land disturbances of one (1) acre or larger are also regulated under CGS Section 22a-430 and under Section 402(p) of the federal Clean Water Act and the National Pollutant Discharge Elimination System (NPDES) program. Prior to the start of such regulated activities, authorization is required from local authorities and, for larger projects, DEEP. Construction projects involving five (5) or more acres of land disturbance require an individual NPDES discharge permit from DEEP, or may be eligible to register for coverage under DEEP's NPDES General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (general permit).

According to the petition, perimeter silt fence will be installed downgradient of all construction activities. The proposed tracker solar arrays will be installed on elevated racks that provide

adequate height above the ground to promote the continued growth of the existing vegetative cover and allow for infiltration. Two stormwater management basins will be constructed downgradient of the array in order collect the runoff and provide treatment, groundwater recharge, and retention of the stormwater. These basins have been designed in accordance with the Connecticut Stormwater Quality Manual and the DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities.

To date (October 17, 2023), the Stormwater Section of the Water Permitting and Enforcement Division has not received registration for a general permit from the Petitioner. The staff in the Stormwater Section recommends that the consultant either conduct a pre-application meeting, or contact the Stormwater Section directly, if they would like to discuss the general permit requirements.

Core Forest

According to the Petitioner, the Project will involve cutting 3.05 acres of woodland. The Project Site does not appear to be located in core forest (forests that are more than 300 feet from the forest-non-forest boundary), however there is core forest located immediately adjacent to the Project Site.

Connecticut General Statutes Chapter 277a Sec. 16-50k states for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, the DEEP must represent in writing, to the siting council that such project will not materially affect the status of such land as core forest.

According to the above referenced statute, this Project would require a core forest material impact review. To date (October 18, 2023), the DEEP Forestry Division has not received a request from the Petitioner for a core forest material impact review.

Natural Diversity Database

The Project Site is not located within a Natural Diversity Database (NDDDB) area.

Miscellaneous Petition Commentary

Noise: The inverters of a solar facility create noise which can be intrusive to homes located in substantially close proximity. DEEP staff believe that noise impacts will not be a factor for the Project, as both equipment pads #1 and #2, which will host the inverters and transformers, will not be located in close proximity to residential buildings.

Inconsistencies in petition: DEEP staff found two inconsistencies within the petition. The introduction in the petition states that the Project will be located within a 20-acre- lease area, while the project description states the Project Site consists of 22.1 acres of land.

Additionally, the project description section of the decommissioning plan states that the operational life of the project will be 25 years with an option to extend, while the cost section of the decommissioning plan states that the lifetime of the project is 40 years.

Thank you for the opportunity to review this application and to submit these comments to the Connecticut Siting Council. Should Connecticut Siting Council staff have any questions, please feel free to contact me at (959) 333-9629 or via jordan.herpich@ct.gov.

Respectfully yours,

A handwritten signature in cursive script that reads "Jordan Herpich".

Jordan Herpich
Environmental Analyst 1

CC: Katie Dykes, DEEP Commissioner