



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

January 23, 2025

TO: Service List, dated October 17, 2024

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1592A** – 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. Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).

Comments have been received from the Connecticut Department of Energy & Environmental Protection on January 23, 2025. A copy of the comments is attached for your review.

MAB/RDM/dll

c: Council Members
CGS §16-50j(i) State Agency Comment List (via electronic mail)



January 23, 2025

Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

RE: 3.575 MW Solar Photovoltaic Solar Project
Santa Fuel, Inc.
159 South Road
Somers, Connecticut
Petition No. 1592A

Dear Members of the Connecticut Siting Council:

Staff of the Department of Energy and Environmental Protection (DEEP) Office of Environmental Review & Strategic Initiatives (ERSI) 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 its 3.575-megawatt solar photovoltaic project (Project). The Project will occupy approximately 16.8 acres (Project Site). The Project Site is part of a parcel that is approximately 108.5 acres (Property) located at 159 South Road in Somers.

The current Petition 1592A is intended by the Petitioner to address previous concerns identified by the Connecticut Siting Council regarding Petition 1592. ERSI reviewed Petition 1592 in October of 2023, which included a site visit. ERSI has reviewed Petition 1592A with a focus on the relevant changes proposed by the petitioner to the original project. As a general observation, it would be helpful for the petitioner to more clearly identify for the public record what the reasons for amending the original petition are. For example, clarifying the rationale for relocating a stormwater detention basin, or for changing the fencing, or for altering potential vegetated buffers.

Summary of Key Findings

Following are the key findings presented in this letter. Other findings regarding project changes are discussed in further detail in the remainder of the letter.

- There are three wetlands located on the Project Site. All three wetlands have a planned 50-foot buffer from the limit of disturbance, and a 100-foot buffer from solar panels. Petition #1592A includes an evaluation from a certified soil scientist which concludes that any potential pollutant entering these wetlands related to construction or operations of a facility would be inconsequential.
- The Project Site and surrounding area are not in a Natural Diversity Database (NDDDB) area, which was re-confirmed in January 2025.

- Changes to the original project resulted in reduction of woodland clearing from 3.05 acres to 2.89 acres. No core forest is located on the Project Site. DEEP's Bureau of Natural Resources stated that the Project will not materially affect the status of the Site as core forest.
- The width of the vegetated buffer has been increased between the Project Site and the existing residential property at 187 South Road. Additionally, a row of evergreen trees to be planted between the array and the residence would be extended along the western edge of the fence line between the array and South Road. The extensions of the vegetated buffer should significantly reduce potential visual impacts to the residence at 187 South Road.
- Equipment Pad #2 is proposed to be located 137 feet from the eastern property line. As necessary, we recommend that the petitioner adjust the equipment pad location to be in conformance with the new standard in P.A. 24-144 which would require inverters to be sited at least 200 feet from the property line.

Project Description

Following are notable changes made to the original petition:

- The array was shifted to the north and 442 solar panels were eliminated, to increase the vegetated buffer between the array and both South Road and the residence at 187 South Road. This results in a downgraded capacity of the facility from 3.85 MW in the original petition to 3.55 MW.
- The proposed planted row of evergreen trees has been expanded to create a visual buffer between the array and South Road and the residence at 187 South Road.
- Stormwater Basin #2 has been relocated, to increase the distance from South Road.
- The point of interconnection has been relocated from the South Road frontage to the Mountain View Road frontage. In addition, the existing gated access drive at the northern end of the property will now be used as the main access drive to the solar facility, to eliminate visual impacts associated with locating the access drive and utility poles closer to the residences along South Road.
- Equipment Pad #2 has been relocated further away from the eastern property line, and sound barrier walls have been added adjacent to the inverters at the two equipment pads, to reduce noise levels at the adjacent property line to the east.

Overall, these changes would result in reducing the Project Site from 17.11 acres to 16.8 acres, woodland clearing from 3.05 acres to 2.89 acres, and generation capacity from 3.85 MW to 3.55 MW.

DEEP Areas of Focus

Stormwater Management

Construction-related land disturbances are regulated under the Connecticut General Statutes Section 22a-430 and under Section 402 of the federal Clean Water Act and the National Pollutant Discharge Elimination System (NPDES). Construction projects involving five or more acres of land disturbance may also 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 (Stormwater General Permit). The Petitioner recognizes the need to register for DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewater (Stormwater General Permit). To date, DEEP has not received registration for a Stormwater General Permit.

The Petitioner has not requested a pre-application meeting with DEEP. DEEP offers pre-application meetings for developers to have the opportunity to discuss the unique aspects of their site and determine the level of permitting required, water management design options, and alternatives that may minimize land disturbance.

As stated previously, changes to the original project include the relocation of Stormwater Basin #2. The distance between the western edge of Stormwater Basin #2 and South Road has increased from 34 feet to approximately 198 feet.

Core Forest

Connecticut General Statutes Chapter 277a Sec. 16-50k states that for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on 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.

There is no core forest located on the Project. The DEEP Bureau of Natural Resources stated in a letter to the Siting Council, dated October 30, 2023, that the original project will not materially affect the status of the Site as core forest.

Changes to the original project resulted in a reduction of woodland clearing from 3.05 acres to 2.89 acres, therefore the original determination of no material impact would still be applicable.

Natural Diversity Data Base

The Project Site and surrounding area are not in an NDDDB area. ERSI verified this status with current NDDDB mapping of January 2025.

Although the Project Site is not in an NDDDB area, ERSI suggests that the Petitioner include a 6-inch gap under the perimeter fencing to allow small wildlife to pass through (if the Project will not involve livestock grazing co-use).

Wetlands and Vernal Pools

There are three wetlands located on the Project Site. All three wetlands have a planned 50-foot buffer from the limit of disturbance, and a 100-foot buffer from solar panels. Stormwater Basin #1 is located to the east of two of the wetlands. Changes to the original project include an evaluation from a certified soil scientist, which concludes that any potential pollutant entering these wetlands from Stormwater Basin #1 would be inconsequential and that no impacts on amphibian life and other wildlife is anticipated.

Reducing Carbon Emissions and Ozone Forming Pollutants

DEEP notes that the construction of solar facilities would support Connecticut's vision for a more affordable, cleaner, and more reliable energy future for the ratepayers of Connecticut. Bringing more zero carbon energy projects online 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. Displacing emissions from fossil combustion also can reduce emissions of nitrogen oxides (NO_x) that contribute to the formation of ozone or smog. Displacing NO_x emissions especially on peak ozone days in the summer can help reduce the number of days Connecticut's air quality is designated as "unhealthy".

Additional Comments

Visual: Changes to the original project include an increase in the buffer and vegetation between the array and the existing residential property at 187 South Road. The separation distance from perimeter fence to the property line at 187 South Road has increased from 57 feet to 172 feet. Additionally, the proposed row of evergreen trees between the array and the residence at 187 South Road has been relocated to the edge of the clearing limits and extended around the corner and along the western edge of the fence line between the array and South Road. DEEP staff believe that these changes properly mitigate the potential visual impacts to the residence at 187 South Road.

Noise: The inverters at a solar facility create noise which can be intrusive to homes located in close proximity. Changes to the original project include moving Equipment Pad #2 further away from the eastern property line. The new location of proposed Equipment Pad #2 is 137 feet from the property line.

Recent changes regarding noise were incorporated into Connecticut General Statute (CGS) Sec.16-50p, as amended by Public Act (P.A.) 24-144. The updated statute states that the Connecticut Siting Council shall not grant a certificate for a facility with a distance of less than 200 feet between any inverters/transformers of such facility and the property line. To comply with the statute, the Petitioner would need to relocate Equipment Pad #2 to be 200 feet from the property line.

Thank you for the opportunity to review this application and to submit these comments to the Connecticut Siting Council. DEEP's comments are based on information available for review as of the date of this letter, which may not fully apply if elements of this petition are modified through the Siting Council's administrative review process. Since this petition may be modified, these comments should not be considered to be a final endorsement or rejection for the public record.

Respectfully yours,

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

Jordan DiDomenico
Environmental Analyst 1

CC: Katie Dykes, DEEP Commissioner