



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

December 4, 2023

TO: Service List, dated October 25, 2023

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1596** – USS Torrington Solar, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.99-megawatt AC solar photovoltaic electric generating facility located on the former Torrington Landfill at 105 Vista Drive, Torrington, Connecticut, and associated electrical interconnection.

Comments have been received from the Department of Energy and Environmental Protection on December 1, 2023. A copy of the comments is attached for your review.

MAB/RDM/dll

c: Council Members

From: Herpich, Jordan
Sent: Friday, December 1, 2023 5:22 PM
To: CSC-DL Siting Council
Cc: Riese, Frederick; Hammerling, Eric; Dykes, Katie
Subject: DEEP comments on Petition #1596 Solar Facility Torrington Landfill
Attachments: Letter to CSC on Petition 1596 Torrington11.21.23.pdf

Dear members of the Connecticut Siting Council,

Attached are DEEP's comments on Petition #1596 for a 1.99 MW solar facility on the closed Torrington Landfill. Please let me know if you have any questions. Have a great weekend.

Thank you,

Jordan Herpich

Environmental Analyst 1
Environmental Review & Strategic Initiatives Office
Office of the Commissioner
Connecticut Department of Energy & Environmental Protection
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Connecticut
Department of Energy &
Environmental Protection

*Conserving, improving, and protecting our natural resources and environment;
Ensuring a clean, affordable, reliable, and sustainable energy supply.*

     | portal.ct.gov/DEEP



November 21, 2023

Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

RE: 1.99-MW Solar Photovoltaic Electric Generating Facility
USS Torrington Solar, LLC
105 Vista Drive
Torrington, Connecticut
Petition No. 1596

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 USS Torrington Solar, LLC (Petitioner) for a declaratory ruling that a Certificate of Environmental Compatibility and Public Need is not required for the construction, operation, and maintenance of 1.99-megawatt solar photovoltaic project (Project). The proposed Project consists of approximately 4.9 acres of solar panels to be constructed on a portion of the closed Torrington Landfill, within a fenced area (Project Site). The Project Site is part of a larger 92-acre parcel (Property) located at 105 Vista Drive in Torrington, Connecticut.

DEEP notes that the construction of facilities as proposed in this petition 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.

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

Property Description

The Property consists of a closed landfill, as well as forested areas surrounding the landfill. There is a stream (Peck Brook) and a forested wetland in the northern portion of the Property. The landfill is situated in the center of the Property.

The Project Site is located on the top of the southern portion of the landfill. The Project will also involve tree clearing of less than 0.8-acres, on the northwest corner of the Property, at the point of interconnection. There is an access road from Vista Drive that enters the landfill from the north and curves around the southern portion of the landfill.

DEEP staff visited the Property on November 13, 2023 to observe the 4.9-acre Project Site at the top of the southern portion of the landfill, as well as the remainder of the landfill, the access road, and portions of the forested areas surrounding the landfill.

Staff found that the vegetative covering on the landfill, though not dense, is well established and there were no signs of erosion. The closed metal hydroxide disposal area is enclosed inside a chain link fence and is separated from the Project Site. The metal hydroxide disposal area won't be impacted by the Project.

Staff observed from the top of the landfill that no homes are visible nearby. The nearest home located at 1125 South Main Street will not be able to view the proposed solar array, due to the topography of the landfill.

Staff inspected the area on the northeast corner of the Property that would involve the cutting of up to 0.8-acres of trees, near the point of interconnection to allow for installation of the interconnection utility poles and an overhead electric line which crosses an intermittent stream. The majority of trees observed included black locust, Norway maple, cottonwood, and some catalpa. Oriental bittersweet, as thick as 4" diameter, was intertwined within the trees.

The National Wetland Inventory (NWI) mapped wetland, located offsite and to the south of the landfill, is positioned at the headwaters of Church Brook. It is unlikely that the wetland will be impacted by the Project, even though it is at the bottom of a steep slope, because the slope is well vegetated. Vegetation on the slope, from the south of the access road to the wetland, includes approximately 100 feet of mugwort, 200 feet of Japanese knotweed, and 100 feet of phragmites.

Staff observed the Eversource transmission line that runs east to west, to the south of the site.

It does not appear that the Project will have any impact on abutting landowners.

Construction Stormwater Management

Construction-related land disturbances of one (1) acre or larger are 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. 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).

This Project falls into the category of involving five (5) or more acres of land disturbance, therefore requires either a general or an individual NPDES permit.

The petitioner is aware of this requirement and plans to obtain a general permit prior to construction. Additionally, according to the petition, due to the site topography and existing closed landfill conditions, temporary sediment basins are not proposed. The existing landfill slopes are designed to promote runoff and prevent storage. The proposed array layout is designed to take advantage of, and minimize changes to the landfill cover system, so minimal grading is needed for this design. Existing landfill stormwater flow patterns and infrastructure, including berms and riprap lined swales, are proposed to be maintained and utilized.

As of November 21, 2023, the Stormwater Section of DEEP's 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.

Authorization for Disruption of a Solid Waste Disposal Area, Approval for Post Closure Use

The Petitioner will need to apply to the DEEP Solid Waste Program for an "Authorization for Disruption of a Solid Waste Disposal Area", as well as an "Approval for Post Closure Use." As of November 21, 2023, DEEP has not received these applications from the Petitioner.

Core Forest

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. The Project will be less than two megawatts, therefore this statute does not apply. Additionally, it does not appear that the Project would impact core forest.

Natural Diversity Database

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

Miscellaneous Petition Commentary

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

Summary

DEEP supports this project as a minimally impacting, beneficial reuse of a former landfill and a source of renewable, non-polluting, carbon free electricity.

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 860.424.3708 or via jordan.herpich@ct.gov.

Thank you,



Jordan Herpich
Environmental Analyst 1

CC: Katie Dykes, DEEP Commissioner