



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

April 5, 2024

TO: Service List, dated March 8, 2024

FROM: Melanie Bachman, Executive Director

MAB

RE: **PETITION NO. 1619** – TRITEC Americas, 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 4.97-megawatt AC solar photovoltaic electric generating facility and associated equipment located at Parcel No. 27-15-7, 0 Riggs Street, Oxford, Connecticut, and associated electrical interconnection.

Comments have been received from the Connecticut Department of Energy and Environmental Protection on April 5, 2024. A copy of the comments is attached for your review.

MAB/RDM/dll

c: Council Members



April 4, 2024

Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

RE: 4.97-MW Solar Photovoltaic Solar Project
TRITEC Americas, LLC
888 Prospect Street
La Jolla, CA 92037
Petition No. 1619

Dear Members of the Connecticut Siting Council:

Staff of the Department of Energy and Environmental Protection (DEEP) Office of Environmental Review & Strategic Initiatives have reviewed the above-referenced petition by TRITEC Americas, 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 its 4.97-megawatt solar photovoltaic project (Project). The Project will occupy approximately 29.95-acres (Project Site). The Project Site is part of a larger 59.2-acre parcel (Property) located at 0 Riggs Street (Map ID: 27/15/7) in Oxford.

Staff of DEEP's Environmental Review & Strategic Initiatives (ERSI) office typically conduct site visits as part of its analysis. Site visits assist DEEP staff in observing the amount and types of vegetation, potential areas for erosion, potential wildlife habitats, sight lines from residential buildings to the Project Site, and other site characteristics that may not be captured at the scale of project planning maps. ERSI comment letters typically discuss areas within DEEP's jurisdiction (such as stormwater management, forestry, and threatened wildlife species) as they relate to the proposed Project. DEEP also discusses potential community impacts, such as noise and visual, that can be mitigated or avoided through project planning. In addition to reviewing Projects that come before the Siting Council, ERSI staff participate in the STEPS (Sustainable, Transparent and Efficient Practices) process which includes guidance for solar development such as siting that avoids, minimizes, and/or mitigates adverse impacts on the environment, agricultural, and natural resources to the maximum extent practicable.

Overview

DEEP staff visited the Project Site on March 27, 2024. The Project Site consists of woodlands, wetlands, and two streams. There are several steep slopes across the Project Site. Staff observed dirt access roads and forested areas on steep slopes that have the potential for erosion. The Project Site is located on forestland, a large

portion of which is core forest. This Project would require a core forest material impact review in order for this project to be reviewed by the Council as a Petition for Declaratory Ruling. As of March 27, 2024, the DEEP Forestry Division had not received a request from the Petitioner for a core forest material impact review. There are two state-listed wildlife species documented in the Natural Diversity Data Base (NDDDB) near the Project Site that may be affected by project activities. DEEP has recommended species protection strategies to the Petitioner for use during construction activities. To reduce visual impacts to neighboring properties, DEEP recommends visual screening to block the view of the proposed solar panels from two residences. DEEP has determined that noise impacts should not be a concern for this Project.

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.

Project Description

The proposed Project will be a ground-mounted solar photovoltaic system using a single-axis sun-tracking system and related improvements. The panels will rotate east to west tracking the sun. The array of panels and the equipment will be surrounded by a 7' high chain-link security fence. The Project contains three separate solar array areas, which include the eastern, central, and western portions of the Project Site. Each of the three areas will have their own equipment pads. One accessway from Riggs Street is proposed onsite to provide access to the eastern and central array and one accessway from Oxford Road (Route 67) is proposed onsite to provide access to the western array. There will be one service interconnection line which will be located in the southwest corner of the Site adjacent to Oxford Road (Route 67).

Site Visit Report

At the site visit on March 27, the weather was 50 degrees and overcast. Staff observed portions of the Project Site and some of the neighboring properties surrounding this area. The Project Site consists of woodlands, wetlands, and two streams. The eastern stream is Jack's Brook, and the western stream is unnamed. There are several steep slopes across the Project Site. The Project Site also contains a commercial operating apiary, just off of Riggs Street, to the south of the proposed eastern solar array area. This apiary is planned to continue commercial operation.

DEEP staff examined the eastern portion of the Project Site, between Jack's Brook and Riggs Street. This area is planned for the eastern solar array. DEEP staff viewed

the existing dirt roads, Jack's Brook and surrounding wetlands, proposed eastern solar array area, and the proposed eastern stormwater basin area. Staff observed that the existing dirt access road running uphill and to the north, to the eastern solar array area, was steep and somewhat rocky. The forested area surrounding this dirt access road did not have much ground vegetation. The dirt access road and forested area on this slope have the potential for erosion, so extra care may be required in this area regarding stormwater.

While standing atop the eastern solar array area, staff observed that the residence at 3 Chauncey Drive was visible through the deciduous trees, as the residence and the array area are at similar elevations. The center of the proposed eastern solar area was relatively flat and contained an open meadow area with non-native, invasive brush such as Japanese barberry (*Berberis thunbergia*) and Multiflora rose (*Rosa multiflora*). The forested area between the proposed eastern solar array area and Jack's Brook sloped downhill and contained similar brush.

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 would involve five (5) or more acres of land disturbance, therefore requires either a general or an individual NPDES permit. DEEP's Stormwater Division has not yet received a registration for an individual or general permit from the Petitioner as of March 27, 2024.

As the Project Site contains many steep slopes, as well as streams and wetlands, erosion is a potential concern. DEEP's Stormwater Division has stated that advanced erosion and sediment control measures will be required to address a site with slopes greater than 15%. A forested site with steep slopes has the potential for erosion during clearing and grubbing and will require extra care when designing the stormwater system. The two streams on the Project Site have a surface water quality classification of "Class A." There is also a small pond to the south of the Project Site which is classified as "Class A," which receives water from the unnamed stream on the Project Site. "Class A" designated uses are potential drinking water, fish and wildlife habitat, recreational use, and agricultural and industrial supply. As "Class A" surface waters are of high quality, special care should be taken to not degrade their quality.

According to the petition, perimeter soil erosion and sediment controls include temporary silt fencing surrounding the perimeter of the development area and surrounding environmentally sensitive areas to prevent sediment from migrating

downslope either to inland wetlands and watercourses or offsite. Controls also include anti tracking pads, stream crossings, and sediment traps. The project also proposes the installation of five temporary sediment traps that will be converted to stormwater basins post construction.

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.

The Project area is located on forestland, a large portion of which is core forest. According to the above referenced statute, this Project would require a core forest material impact review in order for this project to be reviewed by the Council as a Petition for Declaratory Ruling. As of March 27, 2024, the DEEP Forestry Division has not received a request from the Petitioner for a core forest material impact review.

Natural Diversity Database

A Natural Diversity Database Determination, dated August 17, 2023, was provided by DEEP's Wildlife Division. The letter states that there are State-listed species documented nearby the Project Site that may be affected by project activities. These species include the eastern box turtle (*Terrapene carolina carolina*) and the spotted turtle (*Clemmys guttata*). DEEP has recommended protection strategies to the Petitioner for use during construction activities.

Miscellaneous Petition Commentary

Visual: The Petitioner proposes installing a 7' high chain link fence around the perimeter of the Project Site. Two residences (3 Chauncey Road and 502 Oxford Road/Route 67) have a view of the Project Site in the winter months, due to deciduous trees. 3 Chauncey Road was observed by staff during the site visit to have a line of sight of the Project Site, while 502 Oxford Road/Route 67 was determined from desktop review to have a line of sight. DEEP recommends the addition of visual screening for these properties, either in the form of coniferous vegetation or opaque fencing, to be maintained by the Petitioner.

Fencing: DEEP recommends that the planned 7' chain link perimeter fence have a 6" gap below it, in order for wildlife to be able to pass to and from the Project Site.

Noise: The inverters at 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 all three equipment pads, which will host the inverters and transformers, will not be located in close proximity to residential buildings.

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.didomenico@ct.gov.

Respectfully yours,

A handwritten signature in black ink that reads "Jordan DiDomenico". The signature is written in a cursive, slightly slanted style.

Jordan DiDomenico
Environmental Analyst 1

CC: Katie Dykes, DEEP Commissioner