



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

October 30, 2024

TO: Service List, dated September 30, 2024

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1643** - C-Tec 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 2.95-megawatt AC solar photovoltaic electric generating facility and associated equipment to be located at 77 Pompeo Road, Thompson, Connecticut, and associated electrical interconnection.

Comments have been received from the Department of Energy and Environmental Protection on October 30, 2024. A copy of the comments is attached for your review.

MAB/ANM/dll

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



October 30, 2024

Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

RE: 2.95 MW Solar Photovoltaic Solar Project
C-TEC Solar, LLC
1 Griffin Road South
Bloomfield, CT 06002
Petition No. 1643

Dear Members of the Connecticut Siting Council:

Staff of the Department of Energy and Environmental Protection (DEEP) Office of Environmental Review & Strategic Initiatives (ERSI) have reviewed the above-referenced petition by C-TEC 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 its 2.95-megawatt solar photovoltaic project (Project). The Project will occupy approximately 16 acres (Project Site). The Project Site is part of a parcel that is approximately 164 acres (Property) located at 77 Pompeo Road in Thompson.

Staff are providing comments to discuss areas within DEEP's jurisdiction as they relate to the proposed project. DEEP may also include observations or discuss potential noise and visual impacts that can be avoided or mitigated through project planning. Staff may conduct site visits as part of the analysis to observe site characteristics that may not be captured in project plans.

In addition to reviewing projects for the Siting Council, ERSI staff participate in the Sustainable Transparent and Efficient Practices for Solar Development (STEPS) process, which includes guidance on siting solar facilities that avoids, minimizes, and/or mitigates adverse impacts to the local community and on the environment, agricultural, and natural resources to the maximum extent practicable.

Summary of Key Findings

The following are the key findings presented in this letter. Key findings are discussed in further detail in the remainder of the letter.

- ERSI conducted a site visit on October 16, 2024. Staff viewed the northern portion of the Project Site and observed a forested area that had been thinned. Several trees had been cut down, but there were also many adult trees, saplings, shrubs, and vegetation remaining in the forested area.
- A pre-application meeting was held on September 25, 2024 between the Petitioner and various DEEP divisions. Recommendations from this meeting summary are included in DEEP's comments below.

- A vernal pool and wetland system are located to the north of the Project Site, and a vernal pool and wetland system are located to the south of the Project Site. The limit of disturbance is planned to be 100 feet from vernal pools and 50 feet from wetlands.
- The Project Site is not located in a Natural Diversity Data Base (NDDB) area.
- DEEP's Bureau of Natural Resources determined on April 5, 2021, that the Project would not materially affect the status of the Site as core forest (as defined in Connecticut General Statutes Chapter 277a Sec. 16-50k).
- ERSI believes that multiple residences on Pompeo Road may have a close view (within 200 feet) of the Project Site. ERSI recommends the addition of visual screening for these properties.
- ERSI believes that noise impacts will be a factor for the Project if the inverters/equipment pads remain in the current location proposed by the Petitioner. However, the Petitioner stated in the pre-application meeting that they plan to move the proposed location of the inverters/equipment pads further away from residences.

Project Description

The proposed Project will be a 2.95-megawatt ground-mounted solar photovoltaic facility. The Project Site is approximately 16 acres, and will consist of the proposed solar array, two equipment pads, and a 450-foot gravel access roadway. The point of interconnection will be at an existing pole to the south of the access road on Pompeo Road.

The 164-acre Property contains forest with wetlands and vernal pools, an agricultural field, and a barn surrounded by a grass lawn. The Project Site currently consists predominantly of forest, with a small section of grass lawn in the northern section. Areas of the forest within the Project Site have been harvested for timber by the landowner. There is a forested wetland area and vernal pool to the north of the Project Site, and a forested wetland area and vernal pool to the south of the Project Site. The Petitioner plans to maintain a 50-foot buffer between wetlands and the limit of disturbance, and a 100-foot buffer between vernal pools and the limit of disturbance. The solar array is planned to be at least 100-feet from wetlands. The petition does not state the number of forested acres that will be cleared; however, it appears to be the majority of the 16-acre Project Site.

ERSI staff conducted a site visit on October 16, 2024. The existing dirt access road (that is planned for improvement) in the southern portion of the Project Site was overgrown at the time of the site visit, therefore the southern portion of the Project Site was not easily accessible for viewing.

Staff viewed the northern portion of the Project Site, as this area was accessible from the barn that is located to the north of the Site. In the northern portion of the Project Site staff observed that this area was previously fully forested, and that several trees had been removed, however many adult trees remained. Adult trees remaining included white pine (*Pinus strobus*) and red and black oak (*Quercus rubra/Quercus velutina*). The areas that had been thinned of trees included regrowth of vegetation, shrubs, and white pine saplings. Staff did not observe the mapped wetlands and vernal pools located outside of the Project Site.

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).

According to the petition, stormwater management techniques include the installation of five permanent stormwater basins to capture, retain, and infiltrate tributary Project runoff before it is released into surrounding wetlands outside of the Project Site. The Petitioner's plan is to have the initial Project work involve the installation of erosion and sediment control measures, including installation of sediment traps and stormwater basins.

A pre-application meeting was held on September 25, 2024 between the Petitioner and various DEEP divisions. The Stormwater Division stated that perimeter controls should be installed and stabilized first, followed by the stormwater basins, prior to construction of the solar array.

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.

As stated previously, the majority of the Project Site is forested, although several trees in this area have already been cut down by the landowner. According to the definition of core forest, and DEEP's forestland maps, a portion of the forest on the Project Site is classified as core forest. However, in a letter to the Connecticut Siting Council dated April 5, 2021, the DEEP Bureau of Natural Resources stated that staff conducted a core forest material impact review for the Project and have determined that the Project will not materially affect the status of the Site as core forest.

Natural Diversity Data Base

The Project Site and surrounding area are not in a NDDDB area. DEEP issued a NDDDB Final Determination on March 13, 2024, which expires on March 13, 2026.

Although the Project Site is not in an NDDDB area, ERSI suggested during the pre-application meeting that the Petitioner include a 6-inch gap under the perimeter fencing, to allow small wildlife to pass through.

Wetlands and Vernal Pools

Forested wetland systems are located to the north and to the south of the Project Site. Both of these wetland systems contain a vernal pool. The petition states that the wetlands will be protected by the incorporation of permanent stormwater basins, and that the wetlands will have a 50-foot buffer from the limit of disturbance, and 100-foot buffer from solar panels. Additionally, the petition states that the vernal pools will have a 100-foot buffer from the limit of disturbance.

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 (NOx) that contribute to the formation of ozone or smog. Displacing NOx 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: ERSI believes that multiple residences on Pompeo Road may have a close view of the Project Site. 35 Pompeo Road is located on the eastern side of the road, and the property line is directly adjacent to the southern perimeter of the Project Site. 78 Pompeo Road is the closest residence that is located on the western side of the road and is approximately 200 feet from the Project Site. ERSI 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.

Noise: Inverters at a solar facility create noise which can be considered a nuisance by homes located in close proximity. ERSI believes that noise impacts will be a factor for the Project if the inverters/equipment pads remain in the currently proposed location (on mapping provided by the Petitioner), which is approximately 150 feet away from the residence at 35 Pompeo Road. ERSI discussed this topic with the Petitioner during the pre-application meeting, and the Petitioner stated that they plan to move the proposed location of the inverters/equipment pads after speaking with the Siting Council.

Decommissioning Plan: The petition states that the life of the Project will be approximately 20 years. According to the Petitioner's "Decommissioning Plan", decommissioning will include removal of all system components (such as equipment, fences, and stormwater items) and restoring the Project Site to as close to pre-construction conditions as feasible (including backfilling, regrading, and re-vegetating).

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 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