DOCKET NO. 522 – Stafford Solar One, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 4.0-megawatt-AC solar photovoltaic electric generating facility and associated equipment located at 92 Upper Road, Stafford, Connecticut and associated electrical interconnection.	}	Connecticut
	}	Siting
	}	Council

November 1, 2024

DRAFT Findings of Fact

Notice

1. Pursuant to the Public Utility Environmental Standards Act (PUESA), Connecticut General Statutes (CGS) §16-50g *et seq*., on May 24, 2024, Stafford Solar One, LLC (SSO) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a 4.0-megawatt (MW) AC solar photovoltaic electric generating facility and associated equipment located at 92 Upper Road, Stafford, Connecticut and associated electrical interconnection (Project). (SSO 1, p. 1)

2. Pursuant to CGS §16-50k, no person shall commence the preparation of a site for a facility that may, as determined by the Council, have a substantial adverse environmental effect without obtaining a Certificate issued with respect to such facility by the Council. (CGS §16-50k (2024)).

3. The Council's purpose under PUESA is to provide for the balancing of the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values. (CGS §16-50g (2024))

4. The Council has exclusive jurisdiction over electric generating facility sites throughout the state. A facility site is defined as a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right-of-way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located. (CGS §16-50i(a)(3); CGS §16-50x (2024); Regulations of Connecticut State Agencies (RCSA) §16-50j-2a(29) (2024))

5. Pursuant to §16-50x, the Council has exclusive jurisdiction over the construction, maintenance and operation of the proposed solar photovoltaic electric generating facility. (CGS §16-50x (2024))

6. Under CGS §16-50p, the Council shall render a final decision on an application for an electric generating facility not later than 180 days after the filing of an application. The 180-day deadline for the Council's final decision on this application under CGS §16-50p is November 20, 2024. The Council may extend the final decision deadline by not more than 180 days with the consent of the applicant. (CGS §16-50p (2024))

7. In its final decision, the Council shall find and determine:

    a. A public benefit for the facility;
    b. The nature of the probable environmental impact of the facility alone and cumulatively with other existing facilities, including a specification of every significant adverse effect, including, but not limited to, (i) electromagnetic fields that, whether alone or cumulatively with other effects, impact on, and conflict with the policies of the state concerning the natural environment, (ii) ecological balance, (iii) public health and safety, (iv) scenic, historic and recreational values, (v)

agriculture, (vi) forests and parks, (vii) air and water purity, and (viii) fish, aquaculture and wildlife; and

c. Why the adverse effects or conflicts referred to above are not sufficient reason to deny the application.

(CGS §16-50p (2024))

8. In its evaluation of an application for an electric generating facility under PUESA, the Council shall also consider neighborhood concerns, including public safety. (CGS §16-50p (2024))

9. SSO is a limited liability company with its principal place of business at 124 LaSalle Road in West Hartford, Connecticut. It is a subsidiary of Verogy Holdings, LLC (Verogy). Verogy is a developer and operator of solar electric generating facilities. (SSO 1, p. 5)

10. The parties to this proceeding are SSO and the Connecticut Department of Agriculture (DOAG). (Record)

11. DOAG is a General Fund state agency. It also receives federal grants and licensing revenues. (CGS §22-1, *et seq*. (2024); DOAG 3, response 1)

12. Under CGS §22-1, *et seq*., DOAG may:
    a. adopt, amend or repeal regulations in accordance with the Uniform Administrative Procedure Act;
    b. enter into contracts to carry out its functions powers and duties;
    c. issue permits, hold hearings, enter orders and initiate legal proceedings;
    d. provide advisory opinions upon request as to what constitutes agriculture or farming;
    e. inspect and investigate potential permit violations;
    f. undertake studies, inquiries, surveys and analyses;
    g. require the posting of a bond or other security to assure compliance with any permit or order; and
    h. charge fees associated with acting on an application and monitoring compliance with a permit.

    (CGS §22-1, *et seq*. (2024); August 22, 2024 Transcript [Tr. 1] p. 75)

13. The purpose of the proposed Project is to contribute to the state's efforts to promote the deployment of clean renewable energy sources. (SSO 1, p. 13)

14. Under Regulations of Connecticut State Agencies (RCSA) §16-50j-16, the Council may add parties and intervenors at any time during the pendency of a proceeding. Any person granted status is responsible for obtaining and reviewing all materials for the proceeding. (RCSA §16-50j-16 (2024))

15. There are no Connecticut Environmental Protection Act (CEPA) Intervenors in this proceeding. (Record)

16. SSO has a 20-year lease for the proposed site with options for up to three additional five-year lease extensions. There is no option for SSO to purchase the host parcel. (SSO 2, response 11)

17. If SSO transfers the solar facility to another entity in the future, SSO would provide a written agreement as to the entity responsible for any outstanding conditions of the Certificate and quarterly assessment charges under CGS §16-50v(b)(2) that may be associated with the facility, including contact information for the individual acting on behalf of the transferee. (SSO 2, response 8)

18. The proposed Project would be a "grid-side distributed resources" facility under CGS §16-1(a)(37). (CGS § 16-1(a)(37)(2024)

19. The proposed Project would generate renewable electrical energy from solar power. Solar power is considered a Class I renewable energy source. (CGS §16-1(a)(20)(2024); SSO 1, p. 3)

20. The State legislature established a renewable energy policy under CGS §16a-35k that encourages the development of renewable energy facilities to the maximum extent possible. (CGS §16a-35k; SSO 1, p. 3)

21. Pursuant to CGS §16-50*l* (b), SSO provided public notice of the filing of the application to the Council that was published in the Hartford Courant on May 20 and May 22, 2024. (SSO 1, p. 14)

22. On May 16, 2024, SSO provided notice of the application to all abutting property owners by certified mail and to all federal, state and local officials and agencies pursuant to CGS §16-50*l* (b) (SSO 1, p. 14)

Administrative Procedures

23. Hearings shall be held at times and locations specified by the Council. (CGS §16-50m (2024); RCSA §16-50j-20 (2024))

24. CGS §1-225a permits public agencies to hold remote meetings under the Freedom of Information Act (FOIA) and the Uniform Administrative Procedure Act. FOIA defines "meeting" in relevant part as "any hearing or other proceedings of a public agency." (CGS §1-225a (2024); CGS §1-200, *et seq*. (2024))

25. CGS §1-225a allows public agencies to hold remote meetings provided that:
    a) The public has the ability to view or listen to each meeting or proceeding in real-time, by telephone, video, or other technology;
    b) Any such meeting or proceeding is recorded or transcribed and such recording or transcript shall be posted on the agency's website within seven (7) days of the meeting or proceeding;
    c) The required notice and agenda for each meeting or proceeding is posted on the agency's website and shall include information on how the meeting will be conducted and how the public can access it any materials relevant to matters on the agenda shall be submitted to the agency and posted on the agency's website for public inspection prior to, during and after the meeting; and
    e) All speakers taking part in any such meeting shall clearly state their name and title before speaking on each occasion they speak.

    (CGS §1-225a (2024))

26. On May 28, 2024, the Council sent a letter to the State Treasurer, with a copy to the Chief Elected Official of the Town of Stafford (Town) stating that $25,000 was received from SSO as payment to the Municipal Participation Fund (MPF) and deposited in the Office of State Treasurer's department account. The MPF is available for the Town to apply for reimbursement to defray expenses incurred by the Town if it participates as a party in the proceeding, pursuant to CGS §16-50bb. The Town did not participate as a party in the proceeding. (Record; CGS §16-50bb (2024)).

27. During a regular Council meeting on June 20, 2024, the application was deemed complete pursuant to RCSA §16-50*l*-1a and the public hearing schedule was approved by the Council. (Record; Council June 20, 2024 Meeting Minutes)

28. Pursuant to CGS §16-50m, on June 21, 2024 the Council sent a letter to the Town to provide notification of the scheduled public hearing via Zoom remote conferencing and to invite the Town to participate. (Record)

29. Local zoning regulations do not apply to facilities under the exclusive jurisdiction of the Council. Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over solar facilities with a generating capacity greater than 1 MW throughout the state. It shall consider any location preferences provided by the host municipality as the Council shall deem appropriate. (CGS §16-50x (2024))

30. Pursuant to CGS § 16-50m, the Council published legal notice of the date and time of the public hearing in the Journal Inquirer on June 25, 2024. (Record; Transcript 1 – August 22, 2024- 2:00 p.m. [Tr. 1], p. 5)

31. The Council's Hearing Notice did not refer to a public field review of the proposed site. Field reviews are neither required by statute nor an integral part of the public hearing process. The purpose of a field review is an investigative tool to acquaint members of a reviewing commission with the subject property. (Council's Hearing Notice dated June 21, 2024; Council Administrative Notice Item No. 78 – *Manor Development Corp. v. Conservation Comm. of Simsbury,* 180 Conn. 692, 701 (1980); Council Administrative Notice Item No. 79 – *Grimes v. Conservation Comm. of Litchfield,* 243 Conn. 266, 278 (1997))

32. On July 17, 2024, in lieu of an in-person field review of the proposed site, the Council requested that SSO submit photographic documentation of site-specific features into the record intended to serve as a "virtual" field review of the proposed site. On August 7, 2024, SSO submitted such information in response to the Council's interrogatories. (Record; SSO 2, response 68)

33. On July 31, 2024, the Council held a pre-hearing conference on procedural matters for parties and intervenors to discuss the requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists, and filing of pre-hearing interrogatories, as well as the order of party and intervenor appearances and cross examination during the hearing. SSO and DOAG participated in the pre-hearing conference. Procedures for the public hearing via Zoom remote conferencing were also discussed. (Council Pre-Hearing Conference Memorandum, dated July 24, 2024)

34. On August 6, 2024, in compliance with RCSA §16-50j-21, SSO installed a four-foot by six-foot sign in the vicinity of the proposed site access drive located at 92 Upper Road. The sign presented information about the proposed solar facility, the public hearing date and contact information for the Council. (Council Pre-Hearing Conference Memorandum, dated July 24, 2024; SSO 3)

35. Pursuant to CGS §16-50m, the Council gave due notice of a public hearing on August 22, 2024, beginning with the evidentiary session at 2:00 p.m. and continuing with the public comment session at 6:30 p.m. via Zoom remote conferencing. The Council provided information for video/computer access or audio only telephone access. (Council's Hearing Notice dated June 21, 2024)

36. The 6:30 p.m. public comment session afforded interested persons the opportunity to provide oral limited appearance statements. Interested persons were also afforded an opportunity to provide written limited appearance statements at any time up to 30 days after the close of the evidentiary record. Limited appearance statements in this proceeding, whether oral or written, were not provided under oath nor subject to cross examination. (Tr. 1, pp. 6-7; Transcript 2 – August 22, 2024- 2:00 p.m. [Tr. 2], pp. 6-7; CGS §16-50n(f) (2024))

37. No oral limited appearance statements were made during the public comment session of the Council's hearing held on August 22, 2024. (Tr. 2)

38. In compliance with CGS §1-225a:
    a) The public had the ability to view and listen to the public hearing(s) in real-time, by computer, smartphone, tablet or telephone;
    b) The public hearing was recorded and transcribed, and such recordings and transcripts were posted on the Council's website on August 22, and September 3, 2024, respectively;
    c) The Hearing Notice, Hearing Program, Citizens Guide for Siting Council Procedures and Instructions for Public Access to the Remote Hearing were posted on the agency's website;
    d) Prior to, during and after the public hearing, the record of the proceeding has been, and remains, available on the Council's website for public inspection; and
    e) The Council, parties and intervenors provided their information for identification purposes during the public hearing.

    (Hearing Notice dated June 21, 2024; Tr. 1; Tr. 2; Record)

39. The purpose of discovery is to provide the Council, parties and intervenors access to all relevant information in an efficient and timely manner to ensure that a complete and accurate record is compiled. (RCSA §16-50j-22a (2024))

40. In an administrative proceeding, irrelevant, immaterial or under repetitious evidence shall be excluded, and an agency has the right to believe or disbelieve the evidence presented by any witness, even an expert, in whole or in part. (CGS §4-178 (2024); *Dore v. Commissioner of Motor Vehicles*, 62 Conn. App. 604 (2001); RCSA §16-50j-25 (2024))

41. The Council's experience, technical competence, and specialized knowledge may be used in the evaluation of evidence. (CGS §4-178 (2024))

42. Each party's appearing witnesses in this proceeding prepared, supervised and/or assisted in the preparation of exhibits. During the evidentiary hearing session, the Council provided the parties opportunities to cross examine each party's witness panel on their respective exhibits. (Record; Tr. 1)

43. Pursuant to CGS §16-50n(f), at the conclusion of the evidentiary hearing session held on August 22, 2024, the Council closed the evidentiary record for Docket 522 and established September 23, 2024 as the deadline for public comments and the submission of briefs and proposed findings of fact by the parties and intervenors to the proceeding. (Tr. 2, pp. 11-13)

44. Neither SSO nor DOAG submitted a post hearing brief or proposed findings of fact. (Record)

45. On September 23, 2024, pursuant to CGS §16-50o, SSO filed a Motion for Protective Order related to the disclosure of the monthly rent and financial terms contained within the lease agreement for the proposed site. (Record)

46. At a public meeting held on October 10, 2024, the Council issued a Protective Order related to the disclosure of the monthly rent and financial terms contained within the lease agreement for the proposed site, pursuant to CGS §1-210(b) and consistent with the Conclusions of Law adopted in Council Docket 366. (Record)

47. Pursuant to CGS §16-50p(g), the Council shall in no way be limited by SSO already having acquired land or an interest therein for the purpose of constructing the proposed facility. (CGS §16-50p(g) (2024); Council Administrative Notice Item No. 82 - *Corcoran v. Conn. Siting Council*, *284 Conn. 455 (2007)*)

48. The Council's evaluation criteria under CGS §16-50p does not include the consideration of property ownership or property values nor is the Council otherwise obligated to take into account the status of property ownership or property values. (CGS §16-50p (2024); *Woodbridge Newton Neighborhood Env't Trust, et al v. Conn. Siting Council*, 2024 Conn. LEXIS 163 (2024); *Goldfisher v. Conn. Siting Council*, 95 Conn. App. 193 (2006))

49. Constitutional principles permit an administrative agency to organize its hearing schedule so as to balance its interest in reasonable, orderly and non-repetitive proceedings against the risk of erroneous deprivation of a private interest. It is not unconstitutional for the Council, in good faith, to balance its statutory time constraints against the desire of a party, intervenor or CEPA intervenor for more time to present their objections to a proposal. (*Concerned Citizens of Sterling v. Conn. Siting Council*, 215 Conn. 474 (1990); *Pet v. Dept. of Public Health*, 228 Conn. 651 (1994); *FairwindCT, Inc. v. Conn. Siting Council,* 313 Conn. 669 (2014))

Municipal Consultation

50. Pursuant to CGS §16-50*l*(e), SSO began consultation with the Town in February 2023. SSO provided the Town with Project information and development plans associated with the statewide Shared Clean Energy Facility (SCEF) Program (SSO 1, p. 14)

51. At the request of the Town, SSO appeared before the Planning & Zoning Commission on April 4, 2024. Based on comments from the Commission, SSO revised the Project, including but not limited to, relocation of the access drive and a reduction in the limit of disturbance. (SSO 1, p. 14)

52. On April 30 and May 6, 2024, the Town notified SSO that it had no further comments. (SSO 1, p. 14)

53. On May 20, 2024, SSO sent a Project Fact Sheet and other related information about the Project, to abutting property owners and established a Project website at https://www.verogy.com/stafford-solar-one/. (SSO 1, p. 14)

54. On September 23, 2024, the Town Conservation Commission submitted comments[1] to the Council regarding wildlife and agricultural activity at the site. These comments, among other environmental concerns, are addressed in the Public Health and Safety and Environmental Effects and Mitigation Measures sections of this document, pursuant to CGS §16-50p. (Record; CGS §16-50p (2024).

55. CGS § 22a-20a and DEEP's Environmental Justice Guidelines require applicants seeking a permit from DEEP or the Council for a new or expanded facility defined as an "affecting facility" that is proposed to be located in an environmental justice community to file an Environmental Justice Public Participation Plan (EJPPP). The proposed solar facility is not an "affecting facility" under CGS § 22a-20a because it uses non-emitting and non-polluting renewable sources. Thus, Environmental Justice does not apply to the facility, and an EJPPP is not required. (CGS § 22a-20a (2024))

State Agency Comments

56. Pursuant to CGS §16-50j(g), on June 21, 2024, the following state agencies were solicited by the Council to submit written comments regarding the proposed facility: Department of Energy and Environmental Protection (DEEP); DOAG; Department of Public Health (DPH); Council on

[1] https://portal.ct.gov/-/media/csc/1_dockets-medialibrary/1_media_do500_600/do522/state_official_municipal/do522-comment-staffordconservationcom_a.pdf

Environmental Quality (CEQ); Public Utilities Regulatory Authority (PURA); Office of Policy and Management (OPM); Department of Economic and Community Development (DECD); Department of Emergency Services and Public Protection (DESPP); Department of Labor (DOL); Department of Administrative Services (DAS); Department of Transportation (DOT); the Connecticut Airport Authority (CAA); and the State Historic Preservation Office (SHPO). (Record)

57. On June 27, 2024, the Council received comments from CEQ[2] related to farmland soil, noise and visibility. These comments, among other public health and safety and environmental concerns, are more specifically addressed in the Public Health and Safety and Environmental Effects and Mitigation Measures section of this document, pursuant to CGS §16-50p. (Record; CGS §16-50p (2024)

58. No other state agencies responded with comment on the application. (Record)

59. While the Council is obligated to consult with and solicit comments from state agencies by statute, the Council is not required to abide by the comments from state agencies. (Council Administrative Notice Item No. 75, *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))

60. The Council cannot delegate its statutory authority to any other entity. (CGS §16-50x (2024); *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))

Public Act 17-218

61. Pursuant to Public Act (PA) 17-218, codified at CGS §16-50k(a), the Council shall approve by declaratory ruling … the construction or location of any customer-side distributed resources project or facility or grid-side distributed resources project or facility with a capacity of not more than sixty-five megawatts, as long as: (i) Such project meets air and water quality standards of DEEP, (ii) the Council does not find a substantial adverse environmental effect, and (iii) ***for a solar photovoltaic facility with a capacity of two or more megawatts***, to be located on prime farmland or forestland, DOAG represents, in writing, to the Council that such project will not materially affect the status of such land as prime farmland or DEEP represents, in writing, to the Council that such project will not materially affect the status of such land as core forest. (Emphasis added) (CGS §16-50k(a) (2024)).

62. PA 17-218 does not confer the Council's exclusive jurisdiction over the construction, maintenance and operation of solar photovoltaic electric generating facilities throughout the state upon DOAG or DEEP. CGS §16-50k(a) (2024); CGS §16-50x (2024))

63. PA 17-218 does not permit DOAG or DEEP to impose any enforceable conditions on the construction, maintenance and operation of solar photovoltaic electric generating facilities under the exclusive jurisdiction of the Council. (CGS §16-50k(a) (2024)).

64. PA 17-218 does not require agricultural activity at solar photovoltaic electric generating facility sites. (CGS §16-50k(a) (2024))

[2] https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1598/ProceduralCorrespondence/PE1598_CEQCommentsRecd_a.pdf

65. At any time within the discretion of the applicant or under circumstances when a proposed solar photovoltaic facility with a capacity of two or more megawatts is unable to obtain written correspondence from DOAG or DEEP as to any material affects to the status of core forest or prime farmland, the proposed facility may be submitted as an application for a Certificate with the Council even if it has a generating capacity of less than 65 megawatts. (CGS §16-50*l* (2024)).

66. There is no prohibition on the submission of an application for a Certificate to the Council for a proposed solar electric generating facility of ***any generating capacity***. A letter from DEEP or DOAG under PA 17-218 is not required. (Emphasis added.) (CGS §16-50*l* (2024)

67. SSO initially planned to submit the Project to the Council as a Petition for a Declaratory Ruling (petition) pursuant to CGS §4-176 and §16-50k as it would have a generating capacity of more than 2 megawatts, but less than 65 megawatts. (CGS §16-50k(a) and §16a-3k (2024); SSO 2, response 9)

68. By letter dated May 20, 2024, and in accordance with PA 17-218, SSO secured written confirmation from DEEP's Bureau of Natural Resources that the proposed solar facility would not have a material affect on the status of core forest. (May 20, 2024 DEEP CGS §16-50k No Material Impact to Core Forest Determination Letter)

69. On January 30, 2024, SSO requested a review of the Project by DOAG to secure written confirmation that the proposed solar facility would not have a material affect on the status of prime farmland. (SSO 1, Appendix N; SSO 2, response 9)

70. Due to the presence of prime farmland soils at the site, SSO proposes to implement sheep grazing as an agricultural activity. The proposed agricultural activity is similar to previous Year 4 SCEF Program selected project agricultural activity plans that were submitted to the Council with petitions and acceptable to DOAG in 2023, located in the Towns of Windsor, Glastonbury and Woodstock. (SSO 1, Appendix N; SSO 2, response 9; Tr. 1, pp. 33-35; Council Petition No. 1598; Council Petition No. 1602; Council Petition No. 1617)

71. On February 21, 2024 DOAG informed SSO that it would not process SSO's request for a no material affect determination for prime farmland because it did not adhere to DOAG's revised Agrivoltaics Requirements, Farm Plan, and Solar Grazing documents that were issued on December 30, 2023. (SSO 2, response 9; DOAG 3, response 9)

72. SSO's January 30, 2024 request to DOAG included a proposed agricultural Sheep Grazing Plan. (DOAG 3, response 9)

73. Projects selected in the Year 4 SCEF Program are not required to adhere to DOAG agrivoltaics co-use requirements. (Council Administrative Notice Item No. 75)

74. DOAG did not establish a grandfathering clause for implementation of the December 30, 2023 Agrivoltaics Requirements, Farm Plan, and Solar Grazing documents. (Tr. 1, pp. 86-87)

75. The SCEF Program requirements and DOAG's Agrivoltaics Guidelines are not permits or regulations issued under the provisions of the Uniform Administrative Procedure Act. (CGS §4-166, *et seq*. (2024); Tr. 1, pp. 76, 89)

76. DOAG took no action on SSO's request as of May 28, 2024. (DOAG 3, response 11)

77. Given that the SCEF projects must meet contractual energy obligations within three years of bid selection, SSO opted to submit an application for a Certificate with the Council for the proposed solar electric generating facility. Applications for a Certificate are exempt from the provisions of PA 17-218. (CGS §16-50k (2024); DOAG 3, response 9, response 11; Tr. 1, pp. 33-36)

78. The lease agreement with the property owner does not contain specific provisions for agricultural activities at the site. SSO notified the landowner that it intends to implement sheep grazing as an agricultural activity at the site. (SSO 2, response 12; SSO Redacted Lease Agreement)

Public Act 23-163

79. Pursuant to PA 23-163, codified at CGS §16-50k(a), the Council shall not issue a Certificate for a solar electric generating facility with a capacity of more than 2 megawatts unless the applicant furnishes a bond to cover all costs associated with the decommissioning of the facility and the restoration of prime farmland soil. (CGS §16-50k(a) (2024))

80. PA 23-163 does not require an agricultural activity at solar photovoltaic electric generating facility sites. (CGS §16-50k(a) (2024))

81. PA 23-163 does not designate a timeframe/deadline for applicants to furnish a bond. (CGS §16-50k(a) (2024))

82. Common financial mechanisms for solar facility decommissioning are:
    a. Decommissioning provisions in land lease agreements;
    b. Decommissioning trusts or escrow accounts and/or letters of credit; and
    c. Removal or surety bonds.

(Council Administrative Notice Item Nos. 89 and 90)

83. It is industry standard to require a decommissioning clause in a solar facility site lease agreement. (SSO 2, response 77)

84. It is generally recognized in the industry that a solar facility is comprised of components that will remain valuable at the time of decommissioning. (SSO 1, Exhibit E)

85. SSO expects the value of the solar facility components at the end of the Project's useful life in either a salvage or re-sale scenario will be greater than the expected cost of decommissioning the facility. (SSO 1, Exhibit E)

86. PA 23-163 applies to the restoration of prime farmland soil. It does not differentiate between restoration of prime farmland soil currently used to support agricultural activities from those that are not used to support agricultural activities. (CGS §16-50k(a) (2024); DOAG 3, responses 30 and 31)

87. Agricultural restoration includes, but is not limited to, reclamation of grown-over pastures and meadows, installation of fences to manage wildlife and livestock outside of restoration areas, and climate-smart agriculture. (CGS §22-6d (2024))

88. DOAG does not regulate soil testing for the sufficiency of livestock grazing. (Tr. 1, p. 83)

89. DOAG does not know the current estimated cost to restore an acre of prime farmland soil and does not know what inflationary mechanism should be used to determine the cost of an acre of prime farmland soil 30 years from now. (DOAG 3, response 32)

90. DOAG does not have the authority to reimburse costs to farmers to restore agricultural land. (Tr. 1, p. 76)

91. DOAG receives bonds from milk processors to secure payments due to milk producers, but it does not have authority to issue bonds. (DOAG 3, response 2)

92. SSO developed a Decommissioning Plan for restoration of the site at the end of the Project's useful life, in accordance with the terms of the site lease. All Project components would be removed. Disturbed areas would be restored to conditions similar to pre-construction with the exception of the access drive, fence and stormwater features/infiltration trench if the property owner determines it will be beneficial for future use of the site. (SSO 1, Appendix E)

93. Under the Decommissioning Plan, the infrastructure connecting the facility to the utility power grid will be removed unless the property owner determines it will be beneficial for future use of the site. (SSO 1, Appendix E)

94. Under the terms of the site lease, if SSO does not complete decommissioning of the facility within 120 days after the expiration of the lease or other termination of the lease, the property owner has the right to remove the solar facility or sell it for salvage value and to restore the site to conditions similar to pre-construction. (SSO September 23, 2024 Motion for Protective Order)

95. The Council does not have jurisdiction or authority over any portion of the host parcel beyond the boundaries of the Project "site." This includes portions of the parcel retained by the property owner and portions of the parcel the property owner may lease to third parties. Once a facility is decommissioned, the Council no longer has jurisdiction or authority over the Project "site." (CGS §16-50x (2024)).

96. DOAG has no authority to dictate the use of a solar electric generating facility site. (CGS §16-50x (2024); DOAG 3, response 34)

97. DOAG has no enforcement authority over any conditions imposed by the Council in a final decision on an application for a Certificate. (DOAG 3, response 35)

State of Connecticut Planning and Energy Policy

98. Section 51 of PA 11-80 requires that DEEP prepare a Comprehensive Energy Strategy (CES) every three years that reflects the legislative findings and policy stated in CGS §16a-35k. As such, this statute consolidated Connecticut's energy planning for the first time. The state's inaugural CES was published on February 19, 2013 (2013 CES). It advocated smaller, more diversified generation projects using renewable fuels, as well as smaller, more innovative transmission projects emphasizing reliability. (CGS §16a-3d (2024))

99. The CES examines future energy needs and identifies opportunities to reduce ratepayer costs, ensure reliable energy availability, and mitigate public health and environmental impacts. CES Strategy No. 3 is "Grow and sustain renewable and zero-carbon generation in the state and region." The state Integrated Resource Plan assesses the state's future electric needs and a plan to meet those future needs, including, but not limited to, pathways to achieve a 100 percent zero carbon electric supply by 2040. (Council Administrative Notice Item Nos. 52 and 53)

100. The proposed facility will contribute to fulfilling the State's Renewable Portfolio Standard and Global Warming Solutions Act as a zero emission Class I renewable energy source. (Council Administrative Notice Item No. 52)

101. CGS §16-245a establishes Connecticut's *Renewable Portfolio Standards* (*RPS*). RPS requires that 40 percent of Connecticut's electricity usage be obtained from Class I renewable resources by 2030. (CGS 16-245a)

102. The Global Warming Solutions Act (GWSA) sets a goal of reducing greenhouse gas (GHG) emissions by 80 percent by 2050. (CGS §22a-200 (2024))

103. Governor Lamont's Executive Order No. 3, issued in September 2019, established a 100 percent zero carbon emission goal for the electricity sector by 2040. (SSO 1, p. 19)

104. The proposed facility will contribute to fulfilling the State's RPS and GWSA as a zero emission Class I renewable energy source. (Council Administrative Notice Item No. 52)

Competitive Energy Procurement

105. Solar facilities of certain generating capacities are eligible to bid into statewide renewable energy programs established by PURA that include, but are not limited to, the Non-Residential Renewable Energy Solutions (NRES) Program and the SCEF Program. ((PA 19-35, Section 3(a); Council Administrative Notice Item No. 74)

106. The Non-Residential Renewable Energy Solutions (NRES) Program is a competitive procurement process established by PURA in June 2021, that is administered by the state's electric distribution companies to develop the state's Class I renewable energy objectives and to encourage participation by customers in underserved and environmental justice communities. The NRES Program is a successor program to the Low Emission Renewable Energy Credit and Zero Emission Renewable Energy Credit (LREC/ZREC) and Virtual Net Metering (VNM) programs. (PA 19-35, Section 3(a))

107. New or incremental Class I renewable generation projects ranging in size from 100 to 5,000 kW (AC) are eligible to bid into the NRES Program for a Tariff Terms Agreement (TTA) with a 20-year term. The electricity and renewable energy credits produced by the facility are sold to the electric distribution company in accordance with the TTA.

*Projects selected during Year 1 ranged in size from 100 kW to 2,000 kW. The size limit was increased to 5,000 kW beginning in Year 2.

(PURA Dockets 21-08-03, 22-08-03, 23-08-3, record; PA 22-14)

108. The SCEF Program is a competitive procurement process established by PURA in December 2019 (Docket No. 19-07-01), that is administered by the state's electric distribution companies to develop utility scale renewable energy with capacity to be supplied to low-and-moderate-income customers, small business customers and other customers identified by the electric distribution companies that are eligible for enrollment. (Council Administrative Notice Item No. 74)

109. New or incremental Class I renewable generation projects ranging in size from 100 to 5,000 kW AC are eligible to bid into the SCEF Program for a TTA with a 20-year term. The electricity and renewable energy credits produced by the facility are sold to the electric distribution company in accordance with the TTA. (Council Administrative Notice Item No. 74; SSO 1, pp. 1, 7)

110. The NRES Program and the SCEF Years 1-4 procurements do not require integration of an agrivoltaics or dual-use for a solar electric generating facility site to qualify for a bid. (PURA Docket 23-08-3, record; PURA Docket No. 22-08-04, record; DOAG 3, response 9, response 17)

111. PURA defines agrivoltaics as "the practice of dual use of farmland to integrate solar energy generation and farming on the same piece of land," and defines dual use as "the construction of solar generating units while using land under and/or between panels for production agriculture of crops and livestock grazing." (Council Administrative Notice Item No. 74, SCEF – Year 5 Decision, p. 5; DOAG 3, response 15)

112. On December 30, 2023, DOAG developed Dual Use Agrivoltaics Guidelines that apply to all SCEF Year 5 selected projects and all proposed projects with a generating capacity of two megawatts or more that are submitted for DOAG's review pursuant to PA 17-218. (DOAG 3, response 17)

113. The Project bid into the statewide SCEF Program – Year 4. (SSO 1, p. 7; Tr. 1, p 26)

114. The SCEF Year 1 procurements occurred in 2020. The Project was selected in the SCEF Year 4 procurements on April 18, 2023 (#SCEF- 8726). SCEF Year 4 procurements were limited to a maximum total of 54.0 MW AC. (Council Administrative Notice Item No. 74; SSO 1, pp. 1, 7; Tr. 1, p. 53)

115. Under the SCEF Program, approximately 60% of the total facility capacity will be supplied to low-and-moderate-income customers and approximately 40% of the total facility capacity will be supplied to small business customers and other customers identified by Eversource that are eligible for enrollment. (Council Administrative Notice Item No. 74)

116. The electricity, capacity and renewable energy credits (RECs) produced by the facility would be sold to Eversource in accordance with the TTA. A REC certifies that one megawatt-hour of renewable electrical energy has been generated. (Council Administrative Notice Item No. 74; SSO 1, pp. 1, 7)

117. In accordance with SCEF Program requirements, the Project must be online within three years of the contract date. The Project is anticipated to be in service in Fall 2025. (SSO 1, p. 12; Tr. 1, p. 35)

118. Once the TTA expires, SSO may seek other revenue sources for the energy produced by the facility. (SSO 2, response 7)

Public Benefit

119. Pursuant to CGS §16-50p(c), a public benefit exists when a facility is necessary for the reliability of the electric power supply of the state or for the development of a competitive market for electricity. Public benefit exists if the Council finds and determines a proposed electric generating facility contributes to forecasted generating capacity requirements, reduces dependence on imported energy resources, diversifies state energy supply mix and enhances reliability. (CGS §16-50p(c); *Preston v. Connecticut Siting Council*, 20 Conn. App. 474 (1990); *Preston v. Connecticut Siting Council*, 21 Conn. App. 85 (1990); Council Administrative Notice Item No. 36 – Docket No. 514, Finding of Fact #55)

120. Created by the Federal Energy Regulatory Commission (FERC) in 1997, ISO-NE is the independent, not-for-profit corporation responsible for the reliable operation of New England's electric power generation and transmission system, overseeing and ensuring the fair administration of the region's wholesale electricity markets, and managing comprehensive regional electric power planning. (Council Administrative Notice Item No. No. 36 – Docket No. 514, Finding of Fact #56)

121. ISO-NE operates the power system and the competitive wholesale electric markets so that the lowest cost resources are used first to meet consumer demand. However, ISO-NE's primary responsibility is electric reliability. (Council Administrative Notice Item No. 36 – Docket No. 514, Finding of Fact #57)

122. ISO-NE is fuel and technology neutral and takes no position on any proposed energy projects. ISO-NE does not own any transmission or distribution lines or power plants. (Council Administrative Notice Item No. 36 – Docket No. 514, Finding of Fact #58)

Resource Adequacy

123. ISO-NE holds an annual forward capacity market auction (FCA) to acquire the power system resources needed to meet projected demand for the New England region in three years' time. The FCA is held approximately three years before each capacity commitment period to provide time for new resources to be developed. Capacity resources can include traditional power plants, renewable generation, imports, and demand-side resources, such as load management and energy efficiency measures. Resources clearing in the auction will receive a monthly payment during the delivery year in exchange for their commitment to provide power or curtail demand when called on by ISO-NE. (Council Administrative Notice Item No. 36 – Docket No. 514, Finding of Fact #59)

124. According to ISO-NE's 2023 Regional System Plan (2023 RSP), "Sufficient resources to meet the resource adequacy planning criterion are projected for New England through the 10-year planning horizon, assuming no additional retirements, the successful commercialization of all new resources that have cleared the Forward Capacity Market (FCM) in Forward Capacity Auction 17, and the installation of Sponsored Policy Resources. However, it is important to note that the pending Resource Capacity Accreditation project could significantly change how the New England resource mix's contribution toward resource adequacy is assessed. This planning analysis accounts for new resource additions that have responded to market improvements and state policies, and resource retirements. The ISO is committed to procuring adequate demand and supply resources through the FCM and expects the region to install adequate resources to meet the physical capacity needs for future years." (Council Administrative Notice Item No. 23 – 2023 RSP, p. 117)

Generating Capacity Retirements in New England

125. ISO-NE estimated that more than 5,200 MW of oil, coal and nuclear power plants retired during 2013-2022 and anticipates another 5,000 MW of remaining coal and oil generators are at risk of retirement. (SSO 2, response 2a)

New England Reliability

126. New England's electric power grid is planned and operated as a unified system of transmission owners and market participants. The New England system integrates resources with the transmission system to serve all regional load regardless of state boundaries. Most of the transmission lines are relatively short and networked as a grid. The electrical performance in one part of the system affects all areas of the system. Thus, Connecticut and the rest of the ISO-NE region are inextricably interconnected and rely on each other for a reliable electricity system. (Council Administrative Notice Item No. 36 – Docket No. 514, Finding of Fact #62)

127. In addition to ISO-NE's winter energy concerns, system reliability is comprised of two aspects: resource adequacy and transmission security. Resource adequacy means having sufficient resources to meet load at all times. Transmission security means having a system than can withstand contingencies such as the loss of a transmission line, or successive losses of multiple transmission lines, or the loss of a major generating plant, during a time of high system load. (Council Administrative Notice Item No. 36 – Docket No. 514, Finding of Fact #63)

Solar Facility Benefit

SSO's FCA Participation

128. Under the TTA, Eversource would own the energy, capacity rights, and renewable energy credits of the facility. Thus, SSO would not participate in an ISO-NE FCA during the term of the TTA. (Council Administrative Notice Item No. 74; SSO 2, response 32)

Competitive Markets Benefit

129. The SCEF program is a competitive bid program whereby the renewable energy projects with the lowest costs are selected. The Project is therefore necessary to ensure a competitive renewable electricity generation market. (SSO 2, response 2b)

Forecast Capacity Benefit

130. ISO-NE forecasts a significant need for the development of additional renewable electric generating capacity. The facility would contribute to ISO-NE's forecasted renewable generating capacity requirements. (SSO 2, responses 2a, 2c)

Domestic Energy Supply Benefit

131. The proposed Project would reduce dependence on imported energy resources because it would utilize solar energy, and no imported energy resources would be required. (SSO 2, response 2d)

Fuel Diversity Benefit

132. The proposed facility will assist in diversifying the state's energy supply mix. Currently, solar energy projects make up nine percent of the ISO-NE generator interconnection queue. (SSO 2, response 2e)

Electric Reliability Benefit

133. The proposed facility would enhance reliability because it would generate the bulk of its electricity during times that are typically peak demand times in Connecticut, such as the late spring and summer months. Additionally, the facility would serve to reduce net peak loads. (SSO 2, response 2f)

Economic Benefit

134. The proposed facility was selected in a competitive bidding program. The SCEF Program selects renewable energy projects with the lowest costs. (SSO 2, response 2b)

Alternative Sites

135. SSO selected the host parcel for the solar facility site based on availability, suitability, environmental compatibility, and proximity to electrical utilities for interconnection. (SSO 1, pp. 3-4)

136. SSO examined alternative locations in the Towns of Ellington, Tolland and Somers but these were not viable due to the presence of core forest, steep slopes and/or lack of viable electrical infrastructure. (SSO 2, response 6)

137. SSO bid seven projects into the SCEF Year 4 Program, of which five were selected, including the proposed Project. (Tr. 1, pp. 25-26)

Proposed Site

138. Pursuant to RCSA §16-50j-2a(29), "Site" means a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right-of-way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located. (RCSA §16-50j-2a(29)(2024))

139. Under CGS §16-50p, the Council's evaluation criteria does not include the evaluation and/or determination of rights under any lease with the property owner of the proposed site nor does it include the evaluation of property values. (CGS §16-50p (2024) *Woodbridge Newton Neighborhood Env't Trust, et al v. Conn. Siting Council*, 2024 Conn. LEXIS 163 (2024))

140. Pursuant to CGS §16-50p(g), the Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for the purpose of siting a facility. (Council Administrative Notice Item No. 75 - *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))

141. Pursuant to a lease agreement with the property owner, SSO proposes to construct the solar facility on an approximate 18.8-acre site on an approximate 59-acre host parcel at 92 Upper Road, Stafford. (SSO 1, p. 3)

142. The host parcel has frontage on the north side of Upper Road. (SSO 1, p. 4)

143. The host parcel is zoned residential and consists of a mix of fields and forest. (SSO 1, pp. 3-4)

144. The fields on the host parcel are currently used for hay production by a third-party farmer, subject to an annual lease. (SSO 1, p. 3; SSO 2, response 16)

145. The proposed facility site would be located mostly in open field areas in the central portion of the host parcel. (SSO 1, p. 4)

146. Land use surrounding the site includes fields and forested areas on the host parcel, single-family residential to the south, undeveloped land to the north, east and west, and a solar array on a landfill to the southwest. (SSO 1, pp. 3-4)

147. The site slopes generally from northeast to southwest except for the southeast corner where it slopes southeast. Grades range between 4.0 percent and 14.8 percent. Ground elevations range from approximately 780 feet to 690 feet above mean sea level (amsl). (SSO 1, Appendix B; SSO 2, response 20)

Proposed Facility and Associated Equipment

Solar Array

148. The proposed Project consists of 9,960 photovoltaic panels rated at 465 Watts. (SSO 1, p. 7)

149. The panels would be installed at a 25-degree angle on a fixed-tilt racking system supported by posts. The panels would be 8 to 10 feet above grade at the highest point and 3 to 5 feet at the lowest point. (SSO 1, p. 3, Appendix B; SSO 2, response 24)

150. The panels would be arranged in linear rows in an east-west direction, separated by 13-foot wide vegetated aisles. (SSO 1, p. 3, Appendix B; SSO 2, response 23)

151. Two 15-foot by 25-foot concrete electrical pads would be installed in the southwest section of the array to support Project transformers and switchgear. A gravel area next to each pad would support 32 inverters installed on posts. (SSO 1, Appendix B; SSO 2, response 27, response 28)

152. Panel row wiring would generally extend along the racking system within protective covers to reduce potential damage from weather events, maintenance activities or animals. In areas where wiring is not run along the racking, it would be installed within underground conduit. (SSO 2, response 26)

153. The Project would be enclosed by a 7-foot tall agricultural style perimeter fence supported by pressure treated pine posts. (SSO 1, Appendix B)

154. The nearest property line and residence to the solar facility perimeter fence is approximately 100 feet and 400 feet, respectively, to the south at 100 Upper Road. (SSO 2, response 18)

Site Access

155. The Project would be accessed by a new 12-foot wide, 1,600-foot long gravel access drive extending north from Upper Road to a turnaround area adjacent to the transformer/switchgear pads. It would consist of a 12-inch compacted gravel base installed on existing grades. (SSO 1, Appendix B)

156. The average and maximum slope of the access drive are approximately 6.4 and 13.9 percent, respectively. (SSO 2, response 19)

157. The access drive was initially located further east of its proposed location but was relocated at the request of the landowner in order to utilize an existing farm equipment path and to increase the undisturbed buffer to a nearby wetland. (SSO 1, Appendix F)

Electrical Interconnection

158. The Project is comprised of one metered system with a design capacity of approximately 4.0 MW AC. It would interconnect to an Eversource 23-kV overhead electric distribution line on Upper Road. (SSO 1, pp. 7, 18)

159. From the electrical pad, the interconnection line would extend underground along the access drive, then transitions to overhead near Upper Road to connect to Eversource's existing distribution circuit. The overhead portion would be supported on five utility poles separated by a span length of 30 feet, which is the minimum span length specified by Eversource. (SSO 1, Appendix B; SSO 2, response 39; Tr. 1, pp. 40-41)

160. The proposed utility poles would be a height of 40-45 feet above ground. The two poles closest to Upper Road would support Eversource's meter and recloser equipment. The other three poles would support SSO's meter, recloser and disconnect switch. (SSO 2, response 38; Tr. 1, p. 41)

161. Eversource prefers to have their interconnection poles as close to a public right-of-way as possible to reduce the length of overhead line, and associated maintenance. SSO would be willing to discuss with Eversource the feasibility of relocating the interconnection poles away from Upper Road to the extent feasible. (Tr. 1, pp. 66-67)

162. The number of poles is the minimum amount required by Eversource. Installing pad-mounted equipment would be more expensive and such equipment has a longer lead time; however, the use of pad-mounted equipment on the customer side is possible. (SSO 2, response 40; Tr. 1, pp. 64-65)

163. The facility interconnection was reviewed and approved by both Eversource and ISO-NE. (SSO 2, response 33)

164. With the exception of modifications required by the Project recloser and disconnect switch, no off-site upgrades to the existing distribution system are required. (SSO 2, response 37)

165. The projected capacity factor of the proposed solar facility is 17.5 percent, accounting for losses from wiring, inverters, switchgear, transformer, and other protective equipment. The power output would decline by approximately 0.5 percent on an annual basis. (SSO 1, p. 7; SSO 2, response 34)

166. SSO has no plans to incorporate a battery energy storage system at the site at this time. (SSO 2, response 30)

Cost

167. The estimated construction cost of the Project is $7-8 million. (SSO 2, response 4)

168. Neither the Project nor any portion thereof is proposed to be undertaken by state departments, institutions or agencies, or to be funded in whole or in part by the state through any contract or grant. SSO is a private entity. (SSO 1, p. 7; SSO 2, response 5)

169. The Project would decrease electric rates by displacing older, more costly resources from dispatching to the grid during times of peak energy usage. (SSO 1, Appendix F; SSO 2, response 2f)

Public Health and Safety

170. The proposed facility would be designed to comply with the current Connecticut State Building Code, National Electrical Code, the National Electrical Safety Code (NESC), and the National Fire Protection Association Code. (SSO 1, p. 17; SSO 2, response 41)

171. In the event of a fire or other emergency, the facility can be disconnected remotely or by manual switches. (SSO 1, Appendix D; SSO 2, response 44)

172. Emergency responders would be provided access to the site via a universal key box at the facility access gate. (SSO 1, Appendix D)

173. Prior to commencement of operation, SSO would meet with local emergency responders and provide training and information regarding facility operations and equipment. (SSO 2, response 42)

174. A solar panel/electrical component fire would be contained using methods prescribed by the fire department. Typically, fires are allowed to burn out while keeping the fire from spreading to adjacent areas. (SSO 2, response 44)

175. There are no fire hydrants near the site. The fire department would have to utilize tanker trucks to bring water to the site, if necessary. (SSO 2, response 45)

176. The facility would be remotely monitored 24/7 by a data acquisition system, including but not limited to, site operation and performance and local weather conditions. Remote monitoring is conducted by a third-party vendor. (SSO 1, Appendix D; Tr. 1, pp. 41-42)

177. No permanent lighting of the facility is proposed. (SSO 1, p. 32)

178. The site is not within a Federal Emergency Management Agency (FEMA)-designated 100-year or 500-year flood zone. (SSO 1, p. 27)

179. The Federal Aviation Administration (FAA) requires a glare analysis for on-airport solar development at federally-obligated airports. Federally obligated airports are airports that receive federal funding. (Council Administrative Notice Item Nos. 17 & 18)

180. The nearest federally-obligated airport is Bradley International Airport, located approximately 20 miles west of the proposed site. The proposed facility, and the use of a temporary crane to construct the facility, would not be a hazard to air navigation. A glare analysis is not required. (SSO 1, Appendix K; SSO 2, response 50, response 51)

181. The proposed transformers would utilize either mineral oil or a biodegradable natural ester insulation fluid. Secondary containment is not proposed; however, SSO can monitor oil levels through the facility monitoring platform. SSO would also add a remote leak detection monitor. (SSO 1, Appendix A; SSO 2, response 50)

Noise

182. Noise emissions from the solar facility would be from the daytime operation of the 32 inverters and 2 transformers. The facility would not operate at night. (SSO 1, p. 32; SSO 2, response 48)

183. A noise analysis determined the operation of the facility would produce sound levels of 59.6 dBA at the nearest property line, a residentially developed parcel at 100 Upper Road, approximately 122 feet to the southeast. The Project would be in compliance with state standards. (SSO 1, p. 32; SSO 2, response 48; Tr. 1, p. 19)

184. SSO may be able to relocate the inverter/transformer pads approximately 200 feet to the northwest, and reorient the inverter layout, to increase the distance to the abutting property at 100 Upper Road. (Tr. 1, pp. 19-20)

185. Construction noise is exempt from DEEP Noise Control Standards. (RCSA §22a-69-108(g))

Electric and Magnetic Fields

186. Electric fields (EF) and magnetic fields (MF) are two forms of energy that surround an electrical device. Transmission lines, for example, are a source of both EF and MF. (Council Administrative Notice Item No. 40- Petition 754)

187. EF is produced whenever voltage is applied to electrical conductors and equipment. Electric fields are typically measured in units of kilovolts/meter. As the weight of scientific evidence indicates that exposure to electric fields, beyond levels traditionally established for safety, does not cause adverse health effects, and as safety concerns for electric fields are sufficiently addressed by adherence to the NESC, as amended, health concerns regarding Electric and Magnetic Fields (EMF) focus on MF rather than EF. (Council Administrative Notice Item No. 40- Petition 754)

188. MF is produced by the flow of electric currents. The magnetic field at any point depends on the characteristics of the source, the arrangement of conductors, the amount of current flow through the source, and the distance between the source and the point of measurement. Magnetic fields are typically measured in units of milligauss (mG). (Council Administrative Notice Item No. 40- Petition 754)

189. International health and safety agencies, including the World Health Organization, the International Agency for Research on Cancer (IARC), and the International Commission on Non-Ionizing Radiation Protection (ICNIRP), have studied the scientific evidence regarding possible health effects from MF produced by non-ionizing, low-frequency 60-Hertz alternating currents in transmission lines. Two of these agencies attempted to advise on quantitative guidelines for mG limits protective of health, but were able to do so only by extrapolation from research not directly related to health: by this method, the maximum exposure advised by the International Commission on Electromagnetic Safety (ICES, part of IARC) is 9,040 mG, and the maximum exposure advised by the ICNIRP is 2,000 mG. Otherwise, no quantitative exposure standards based on demonstrated health effects have been set world-wide for 60-Hertz MF, nor are there any such state or federal standards in the U.S. (Council Administrative Notice Item No. 40- Petition 754)

190. Operation of the Project would produce EMF from the solar panels, cables connecting the panels to the inverters, the inverters, and the underground and overhead 23-kV interconnection line. None of this equipment is expected to increase pre-existing EMF levels outside the site boundaries. All EMF levels would be well below ICNIRP and IARC recommended public exposure levels. (SSO 1, p. 18)

191. The proposed Project is designed to interconnect to the existing distribution system rather than a higher voltage transmission system and therefore, the Council's EMF Best Management Practices for the Construction of Electric Transmission Lines in Connecticut and the ICES and ICNIRP MF guidelines would not apply. (Council Administrative Notice Item No. 40- Petition 754)

Environmental Effects and Mitigation Measures

Air Quality

192. The proposed Project would meet DEEP air quality standards and would not produce air emissions of regulated air pollutants or GHG. (SSO 1, p. 31)

193. During construction of the proposed Project, air emissions from the operation of machinery would be temporary in nature. Dust resulting from construction activities would be controlled through the use water. Equipment air emissions can be reduced by limiting idling times and proper maintenance. (SSO 1, p. 31)

Water Quality

194. As applicable to any proposed jurisdictional facility site, the Council's Application Guide for an Electric Generating Facility requires the submission of plans for erosion and sedimentation control consistent with the *Connecticut Guidelines for Erosion and Sediment Control* (E&S Guidelines); Water consumption and discharge rate; FEMA Flood Zone information and associated flood mitigation plans; Proximity to DEEP Aquifer Protection Areas; DEEP groundwater classification underlying the site; Wetland and Watercourse Analysis Report and map, and associated Wetland and Watercourse Impact Mitigation Plan; Vernal Pool Analysis Report and Map, and associated Vernal Pool Impact Mitigation Plan. (Record)

195. Water would not be used during operation of the facility. (SSO 1, Appendix B)

196. The site is not located within a DEEP-designated Aquifer Protection Area or public water supply watershed. (SSO 1, pp. 27-28)

197. Groundwater at the site is classified as GA defined as, "…existing private and potential public or private supplies of water suitable for drinking without treatment…". Installation of the racking posts is not anticipated to have an impact on groundwater and private water wells that may be present in the surrounding area. (SSO 1, p. 27; SSO 2, response 13)

198. A Spill Prevention and Materials Storage Plan has been developed for the Project to protect groundwater and other resources. It includes, but is not limited to, measures for prevention, containment, cleanup and reporting. (SSO 2, response 53)

Stormwater

199. Pursuant to CGS Section 22a-430b, DEEP retains final jurisdiction over stormwater management and administers permit programs to regulate stormwater discharges. DEEP regulations and guidelines set forth standards for erosion and sedimentation control, stormwater pollution control and best engineering practices. (CGS §22a-430b; DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. (DEEP-WPED-GP-015)

200. The DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (General Permit) requires implementation of a Stormwater Pollution Control Plan (SWPCP) to prevent the movement of sediments off construction sites into nearby water bodies and to address the impacts of stormwater discharges from a proposed project after construction is complete. In its discretion, DEEP could require an Individual Permit for discharges and hold a public hearing prior to approving or denying any General or Individual Permit (Stormwater Permit) application. (CGS Section 22a430b; CGS Section 22a-430(b))

201. The SWPCP incorporates project designs consistent with the E&S Guidelines and the *Connecticut Stormwater Quality Manual* (Stormwater Manual). Both of these documents were updated, effective March 30, 2024. (DEEP-WPED-GP-015)

202. DEEP has the authority to enforce proposed project compliance with its Individual or General Permit and the SWPCP, including, but not limited to, the installation of site-specific water quality protection measures in accordance with the E&S Guidelines and Stormwater Manual. (CGS Section 22a-430b (2024))

203. The Council may impose a condition that requires subsequent compliance with DEEP standards and regulations. (Council Administrative Notice Item No. 80 – *FairwindCT, Inc. v. Conn. Siting Council*)

204. The Project would require a DEEP-issued Stormwater Permit prior to commencement of construction activities as defined in the General Permit. (CGS Section 22a-430b)

205. The General Permit requires the designing qualified professional to conduct the SWPCP Implementation Inspection that confirms compliance with the General Permit and the initial implementation of all SWPCP control measures for the initial phase of construction. The SWPCP also requires a qualified inspector to inspect the work areas at least once per week and within 24-hours after a rain event that meets certain permit criteria. The qualified soil erosion and sediment control professional or a qualified professional engineer would inspect the area and confirm stabilization and compliance with the post-construction stormwater management requirements. (DEEP-WPED-GP-015)

206. Per the Stormwater Permit, the contractor has the responsibility to follow the SWPCP and conduct inspections. The Project engineer has the obligation to perform regular inspections of the site and prepare inspection reports. A separate DEEP-approved E&S control inspector will conduct weekly inspections of the site. The regional conservation district would also conduct inspections of the site and document its findings. (DEEP-WPED-GP-015; SSO 1, Appendix B)

207. Prior to late March 2024, SSO met with the DEEP Stormwater Division to discuss the proposed stormwater management design and E&S control plans for the facility. A that time, SSO prepared a preliminary stormwater analysis and design that included three stormwater basins. SSO informed DEEP that test pits needed to be performed to finalize the overall stormwater design. Test pits were performed in late March 2024, and based on soil conditions, the stormwater design was modified to eliminate the three stormwater basins. (SSO 2, response 66; Tr. 1, pp. 15-17, 69-70)

208. SSO's final stormwater analysis for the Project that concluded peak attenuation values would be reduced over pre-construction conditions except for a de-minimis increase in the 100-year discharge rate for one drainage area. SSO intends to apply for a waiver from DEEP regarding the minimal increase peak runoff attenuation. (SSO 1, Appendix C; SSO 2, response 75; Tr. 1, pp. 16-17)

209. Post-construction site conditions (meadow) would be an improvement over its existing condition (agricultural field). Predevelopment drainage patterns would be maintained to the extent feasible. (SSO 1, p. 9, Appendix C)

210. An infiltration trench would be installed along the west side of the access drive to collect and disperse runoff from the access drive. (SSO 1, p. 9, Appendix C)

211. The Project has been designed to comply with DEEP General Permit Appendix I. (SSO 1, pp. 9, 20, 26, Appendix C; Tr. 1, pp. 45-46)

212. On June 14, 2024, SSO applied for a DEEP General Permit. (SSO 2, response 69)

Wetlands and Watercourses

213. The Inland Wetlands and Watercourses Act (IWWA), CGS §22a-36, *et seq.*, contains a specific legislative finding that the inland wetlands and watercourses of the state are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed, and the preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. (CGS §22a-36, *et seq*. (2024))

214. The IWWA grants regulatory agencies with the authority to regulate upland review areas in its discretion if it finds such regulations necessary to protect wetlands or watercourses from activity that will likely affect those areas. (CGS §22a-42a (2024))

215. The IWWA forbids regulatory agencies from issuing a permit for a regulated activity unless it finds on the basis of the record that a feasible and prudent alternative does not exist. (CGS §22a-41 (2024))

216. Under the IWWA:
   a) "Wetlands" means land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture;
   b) "Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border the state; and
   c) Intermittent watercourses are delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) Evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation. (CGS §22a-36, *et seq*. (2024))

217. A wetland inspection of the site and adjacent areas was performed in November 2023. Two wetlands were identified on the host parcel: one along the southeast property line abutting 100 Upper Road (Wetland 1), and one in a windrow in the western portion of the property (Wetland 2). (SSO 1, Appendix L)

218. Wetland 1 is mostly within a field but extends into a wooded area along the property line. The proposed access drive would be approximately 50 feet from Wetland 1 at its closest point. (SSO 1, p. 11, Appendix B; SSO 2, response 62)

219. The construction limit of disturbance (LOD) is approximately 90 feet from Wetland 2 at its closest point. (SSO 1, p. 11, Appendix B)

220. Once constructed, the solar array and perimeter fencing would be a minimum 100 feet from both Wetland 1 and Wetland 2. (SSO 1, p. 11, Appendix B)

Vernal Pools

221. No vernal pools were identified on the host parcel. (SSO 1, p. 26)

Forests and Parks

222. Development of the Project would require approximately 1.6 acres of tree clearing of wooded bands between fields in the center of the site. (SSO 1, pp. 11, 20)

223. No core forest would be affected by the Project. (SSO1, pp. 21-22)

224. There are no state parks or forests within one mile of the site. (Council Administrative Notice Item No. 105)

Scenic, Historic and Recreational Values

225. SSO performed a Phase 1A and Phase 1B historic and archeological surveys of the site. No evidence of intact cultural features and no resources eligible for listing on the National Register of Historic Places were identified. (SSO 1, Appendix J)

226. SHPO submitted correspondence to SSO on May 31, 2024, stating that the proposed Project would not affect historic or archeological resources. (Tr. 1, pp. 55-56)

227. The site is surrounded by fields and some wooded areas. When the leaves are off the trees, the site may be seasonally visible from three residential properties at 100, 108, and 112 Upper Road, approximately 100-600 feet south of the solar array. (SSO 1, p. 33, Appendix M; Tr. 1, pp. 22-23)

228. SSO would be willing to develop a landscape plan to mitigate potential seasonal views of the solar array. (Tr. 1, pp. 22-23)

229. There are no "blue-blazed" hiking trails maintained by the Connecticut Forest and Park Association within one mile of the site. (Council Administrative Notice No. 101)

230. No state or local designated scenic roads are located within one mile of the site. (SSO 1, p. 33)

231. No comments were received from OPM, DEEP, or the Town regarding impact to scenic quality or resources. (Record)

232. The Project would be consistent with the State Plan of Conservation and Development as it would be a Class I renewable zero emissions electric generation facility that is compatible with state goals for environmental protection and minimization of potential impacts to historic, agricultural and scenic resources. (Council Administrative Notice No. 65, p. 15)

Fish, Aquaculture and Wildlife

233. The site is within a DEEP-designated cold-water habitat area watershed associated with Alden Brook, a cold-water stream 380 feet from the site. (SSO 1, Appendix C; SSO 2, response 67)

234. No impact to cold water habitat is expected given that no trees would be cleared within 100 feet of any wetland or watercourse. (SSO 1, Appendix B; SSO 2, response 67)

235. DEEP Natural Diversity Database (NDDB) maps show approximate locations of state-listed endangered, threatened, and special concern species and are used to find areas of potential conservation concern. (Council Administrative Notice Item No. 97)

236. On February 29, 2024, DEEP issued a NDDB Determination Letter for the proposed facility, identifying one special concern species (whip-poor-will) as potentially occurring in the area of the site. The bird typically nests in forest habitat with an open understory, often adjacent to areas of shrubby or herbaceous habitat. (SSO 1, Appendix I)

237. DEEP recommended the implementation of protective measures for the whip-poor-will that include but are not limited to, the avoidance of tree and shrub removal from May 1 to July 30 within 200 meters of a nesting locations. SSO would adhere to the tree clearing restriction. (SSO 1, Appendix I; Tr. 1, pp. 42-44)

238. DOAG does not know if the mowing restriction for the whip-poor-will applies to agricultural activities. (DOAG 3, response 12)

239. The northern long-eared bat (NLEB), a federally-listed and state-listed Endangered Species occurs in Connecticut. However, there are no known occurrences of NLEB in Stafford. Additionally, SSO consulted with the U.S. Fish and Wildlife Service (USFWS) which determined that the Project would not likely have an adverse effect on the NLEB. (Council Administrative Notice Item No. 99; SSO 1, Appendix I)

Agriculture

240. Agricultural land is an economic resource. The terms "agriculture" and "farming" are defined under CGS §1-1q. Agriculture and farming activities are exempt from certain statutes and regulations, including, but not limited to, provisions related to wetlands and nuisance. (CGS §1-1q (2024); CGS §19a-341(2024)(commonly known as "the Right to Farm Law"); CGS §22a-19 (2024); CGS §22a-40 (2024); *Red Hill Coalition, Inc. v. Town Plan & Zoning Comm'n*, 212 Conn. 727 (1989))

241. Agriculture in Connecticut is likely to be adversely impacted by climate change. It is most affected by changes in temperature and both the abundance and lack of precipitation. The top five most imperiled agricultural products are maple syrup, dairy, warm weather produce, shellfish and apple and pear production, but there are opportunities for production expansion with the future climate, including, but not limited to, biofuel crops, witch hazel and grapes. (Council Administrative Notice Item No. 69 – Climate Change Preparedness Plan)

242. Adaptation strategies for climate change impacts to agriculture include promotion of policies to reduce energy use, conserve water and encourage sustainability. (Council Administrative Notice Item No. 69 – Climate Change Preparedness Plan)

243. In 2012, the Governor's Council for Agricultural Development (GCAD) recommended DOAG create a statewide plan for an agriculture-friendly energy policy that includes, but is not limited to, on-farm energy production to reduce costs and supplement farm income, agricultural net metering for power production and transmission, and qualification of agricultural anaerobic digestion projects for zero-emissions renewable energy credits. (Public Act 11-189; GCAD First Annual Report December 2012)

244. DOAG does not develop, oversee or envision the implementation of farm-related energy plans. DOAG refers farmers to federal agencies for farm-related energy plans. (DOAG 3, response 7)

245. DOAG administers the Statewide Program for the Preservation of Agricultural Land (SPPAL), a voluntary program to establish a land resource base consisting mainly of prime and important farmland soils. A permanent restriction on non-agricultural uses is placed on the deed of participating properties, but the farms remain in private ownership and continue to pay local property taxes. (CGS §22-26aa, et seq.; DOAG 3, response 8)

246. The host parcel is not enrolled in this program. (DOAG 2, response 8)

247. A solar electric generating facility is not a permitted use on land preserved under the SPPAL. (DOAG 3, response 8)

248. DOAG has authority to ensure the integrity of the soils will be retained during public utility construction on land enrolled in the SPPAL. (DOAG 3, response 4)

249. DOAG has no authority to require public utilities to implement agricultural activities, furnish a bond and/or restore facility sites to prime farmland soils except for land that is enrolled in the SPPAL. (DOAG 3, response 5)

250. PA 490 is Connecticut's Land Use Value Assessment Law for Farm Land, Forest Land and Open Space Land that allows land to be assessed at its use value rather than its fair market or highest and best use value for purposes of local property taxation. (CGS §12-107a through 107-f (2024))

251. The host parcel is currently enrolled in the PA 490 Program for agricultural land tax abatement. Once constructed, the solar facility site portion of the host parcel would not be eligible for the program. (SSO 2, response 17)

Soils

252. Prime Farmland Soils are defined by the United States Department of Agriculture (USDA) National Resources Conservation Service (NRCS) as the most suitable land for producing food, feed, fiber, forage, and oilseed crops. (Council Administrative Notice Item No. 14)

253. Statewide Important Farmland Soils do not meet all of the physical and chemical requirements to be considered Prime Farmland Soils, but they are equally as important in the production of food, feed, forage or fiber crops. (Council Administrative Notice Item No. 14 – USDA Soil Survey Manual; 7 C.F.R. §657.5 (2016) – Identification of Important Farmlands)

254. Local Important Farmland Soils do not meet the physical or chemical requirements of either Prime Farmland Soils or Statewide Important Farmland Soils, but they are still used for the production of food or fiber crops and support the local economy due to their productivity. (Council Administrative Notice Item No. 14 – USDA Soil Survey Manual; 7 C.F.R. §657.5 (2016) – Identification of Important Farmlands)

255. 2023 USDA NRCS figures indicate that there are approximately 507,236 acres of prime farmland soil in Connecticut. 2022 USDA census data indicates that there are approximately 372,014 acres of land being farmed that includes prime farmland soils, statewide important farmland soils and local important farmland soils. (DOAG 3, responses 3 and 4)

256. After the implementation of CGS §16-50k(a) in 2017, DOAG has reviewed numerous projects with an estimated impact to a total of 350 acres of prime farmland soil. Some projects contained prime farmland soils that were not used to support agricultural activities. (Council Administrative Notice Item No. 25; DOAG 3, response 14)

257. DOAG does not track or hold a registry of farms or acreage in agricultural production throughout the state. (DOAG 3, response 3)

258. DOAG does not maintain a database of the number of prime farmland soils throughout the state that are currently occupied with solar facilities without agricultural activities. (DOAG 3, response 13)

259. DOAG does not maintain a database of the number of acres of prime farmland soils throughout the state that are currently occupied by solar facilities with agricultural activities. (DOAG 3, response 14)

260. Existing soils at the site consist of fine sandy loams and loam till, with moderate to slow infiltration rates. (SSO 1, Appendix C)

261. According to USDA Soil Survey mapping, approximately 4.7 acres of prime farmland soil are located within the 18.8-acre LOD. (SSO 2, response 63)

Proposed Agricultural Activity

262. The host parcel currently supports hay production by a third-party farmer under an annual lease agreement. The third-party farmer began using the host parcel in 2023. (SSO 2, response 16)

263. Once the facility is constructed, remaining areas of the host parcel outside of the facility site may be available for continued hay production, subject to property owner approval. (SSO 2, response 16)

264. The primary use of the site is for the construction, maintenance and operation of a solar electric generating facility that is under the exclusive jurisdiction of the Council. Any other uses within the boundaries of the solar facility site, such as an agricultural activity, would be secondary and subject to the discretion of the Council. (CGS 16-50x (2024); CGS 16-50p (2024); Final Decision, Petition 1586)[3]

265. SSO is not required to implement an agricultural activity at the site. (PA 17-218; PA 23-163; DOAG 3 response 9, response 10; Council Administrative Notice Item No. 74)

266. SSO is voluntarily proposing to conduct rotational sheep grazing to maintain the existing agricultural use of the site and to maintain vegetation within the solar array, utilizing an on-site feed crop. (SSO 1, p. 13; Tr. 1, pp. 26-28; DOAG 3, response 10)

267. The property owner is amenable to livestock grazing within the leased area for the facility site. (SSO 1, response 12)

268. DOAG considers livestock grazing an acceptable agricultural activity at solar electric generating facility sites. (DOAG 3, response 21, response 22)

[3] available at https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1501-1600/pe1586/decisionstaffreport/pe1586_dcltr_a.pdf?rev=5f242cbb6e5e4ac99a9f7c7e73a9ef06&hash=768E20A6ADFB33CE3C64FB527DDD8F5F

269. DOAG does not track the acreage used for livestock grazing in Connecticut. (DOAG 3, response28)

270. Livestock farmers do not have to be certified by, or registered with, DOAG or any other entity. (DOAG 3, response 24)

271. SSO developed an agricultural sheep grazing plan for the proposed facility site to include sheep grazing within the solar array perimeter fence. Grazing would not be permitted in areas outside of the perimeter fence. (SSO 1, Appendix N)

272. The agricultural sheep grazing plan is based on previous sheep grazing plans approved by DOAG and was developed in consultation with the proposed sheep grazer, Hillview Farms of Ellington. (SSO 2, response 9, response 15; DOAG 3, response 10)

273. Sheep grazing would be conducted by establishing four temporary paddocks within the solar array, each 3.5 acres in size, isolated by temporary electric fencing. Llamas may also be on-site to protect the sheep. (SSO 1, Appendix N; SSO 2, responses 54 and 55)

274. The electric fence would be powered by a 12-volt battery attached to a solar charger that is independent of the proposed solar electric generating facility. It is designed to deter livestock and would not pose a significant electric shock hazard to people. It would not energize any permanent structure. (SSO 2, response 54)

275. The sheep would graze within one paddock at a time, allowing for previously grazed areas to regenerate. Rotational grazing inhibits weed growth and improves soil and vegetation health. (SSO 1, Appendix N)

276. The site can support up to 34 sheep in a 45-day rotation. The actual number of sheep would depend on vegetation growth and other factors as determined by the sheep grazer. (SSO 1, Appendix N)

277. The livestock manager would visit the site 5-6 times per week depending on weather and the need to restock the water supply. More frequent on-site checks would occur in hot weather or after extreme weather events. In addition, the sheep would be monitored remotely by camera. (SSO 2, response 58)

278. Signs would be installed at the front gate of the solar facility with contact information for the solar grazing entity. DOAG does not require contact signs to be posted at livestock grazing operations. (SSO 2, response 13, response 57; DOAG 3, response 25)

279. During emergencies, the electric fence can be turned off by switch. Sheep can be herded to non-emergency areas. (SSO 2, response 60)

280. DOAG responds to complaints regarding livestock animal welfare. (DOAG 3, response 26)

281. A shelter for the sheep is not proposed. (SSO 1, Appendix N)

282. The proposed fence design would deter predatory animals from entering the array and paddocks. Guardian animals, such as llamas or donkeys, may also be deployed to provide further protection for the sheep. (SSO 1, Appendix B; SSO 2, response 55)

283. Water to support sheep grazing would be brought into the site by the sheep grazer (Hillview Farm). (SSO 2, response 56)

284. The cost of sheep grazing to maintain site vegetation is approximately the same as the cost of mechanical vegetation maintenance. (Tr. 1 pp. 27-28)

285. The solar array would be seeded with vegetative cover that provides sufficient forage for livestock and the promotion of pollinator species such as the Ernst Fuzz & Buzz seed mix. (SSO 1, Appendix N; Tr. 1, pp. 28-29)

286. Sheep manure would be allowed to decompose across the site, enhancing soil heath. (SSO 1, Appendix N)

287. Sheep manure would not affect downgradient water resources. (SSO 2, response 61)

Facility Construction

288. If the Project is approved by the Council, the following permits would be required for construction and operation:
    a) DEEP Stormwater Permit;
    b) Town Building Permit; and
    c) Town Electrical Permit
(SSO 2, response 3)

289. Construction of the site would maintain existing grades, except for the installation of the access drive, infiltration trench and concrete pads where minor excavation may be required. (SSO 1, p. 12, Appendix B; Appendix C; Tr. 1, pp. 46-48)

290. Soils removed for construction would be spread on site. No soils would be removed from the site. (Tr. 1, p. 49)

291. The construction LOD is approximately 18.8 acres. (SSO 2, response 70)

292. The Project would be constructed in one phase. SSO intends to install E&S controls, then proceed with tree clearing/grubbing where necessary, followed by construction of the access drive and then the solar array components. Once installation is complete, the site would be seeded for stabilization. (SSO 1, Appendix B)

293. Construction of the facility is expected to occur over a 6-month period, with an anticipated construction start in early 2025. (SSO 1, p. 12)

294. Construction hours would be Monday through Friday from 7:00 AM to 6:00 PM and Saturday from 8:00 AM to 5:00 PM. (SSO 1, p. 12)

Traffic

295. Construction vehicles would access the site from Upper Road. (SSO 1, Appendix B)

296. Upper Road is in a rural area with little traffic. (Tr. 1, pp. 65-66)

297. Once operational, the site would be accessed periodically by maintenance personnel. (SSO 1, Appendix D)

Facility Operations and Maintenance

298. SSO provided a post-construction Operations and Maintenance Plan that includes, but is not limited to, provisions for remote monitoring, equipment maintenance, vegetation management and site safety and security. (SSO 1, Appendix D)

299. Site vegetation would be controlled by a livestock grazing program. (SSO 1, Appendix D)

300. When necessary, the solar panels would be washed using commercially-sourced clean water and bristle brooms. No chemicals or additives would be used. (SSO 1, Appendix D)

301. The inverters have a lifespan of 15-20 years and are expected to be replaced at least once during operation of the facility. The solar panels have a lifespan of at least 20 years. (SSO 2, response 73)

302. After installation, equipment would be checked periodically by thermal imagery and physical inspection. Spare panels would not be stored on site. (SSO 1, Appendix D; SSO 2, response 74)

303. The infiltration trench adjacent to the gravel access drive would be inspected periodically. If a portion of the trench was filled with sediment, it would be either cleaned by vacuum truck or excavated and replaced. (Tr. 1, pp. 18-19)

304. If necessary, snow would be removed from the access roads by plow. Snow removal would not use deicers. Snow would not be removed from the panels. (SSO 1, Appendix D; SSO 2, response 75)

Decommissioning

305. The facility has an anticipated life of 35 years. (SSO 1, Appendix E; SSO 2, response 7)

306. At the end of the Project's lifespan, it will be decommissioned and removed from the property. The site would be restored to its existing condition as a field. (SSO 1, Appendix E; SSO 2, response 76)

307. SSO intends to recycle Project materials, including solar panels, to the maximum extent practicable. Project materials that cannot be recycled would be removed from the site and disposed of at a licensed disposal facility. (SSO 1, Appendix E)

308. Excavated areas remaining after removal of subsurface structures will be backfilled with locally imported soil to match existing onsite soils. (SSO 1, Appendix E)

309. The access road and fence may remain in place at the discretion of the property owner. (SSO 1, Appendix E)

310. Pursuant to CGS §16-50p(g), the Council has no authority to evaluate, amend and/or determine rights under any lease with the property owner of the proposed site, including, but limited to, the restoration of soils to prime farmland status. (CGS §16-50p(g) (2024))

311. The lease agreement with the property owner includes provisions related to decommissioning and site restoration at the end of the Project's useful life. (SSO 2, response 76)

312. Under the terms of the lease, "conditions similar to pre-construction" means that the final topography will be restored to the greatest extent practical from before the development of the facility and that land cover be restored to a grassed surface throughout. (SSO 2, response 76)

313. SSO has selected solar panels for the Project that meet current Toxicity Characteristic Leaching Procedure (TCLP) criteria[3] for characterization as nonhazardous waste in the event the solar panels are not recycled at the end of the Project's useful life. (SSO 1, Appendix A)

Neighborhood Concerns

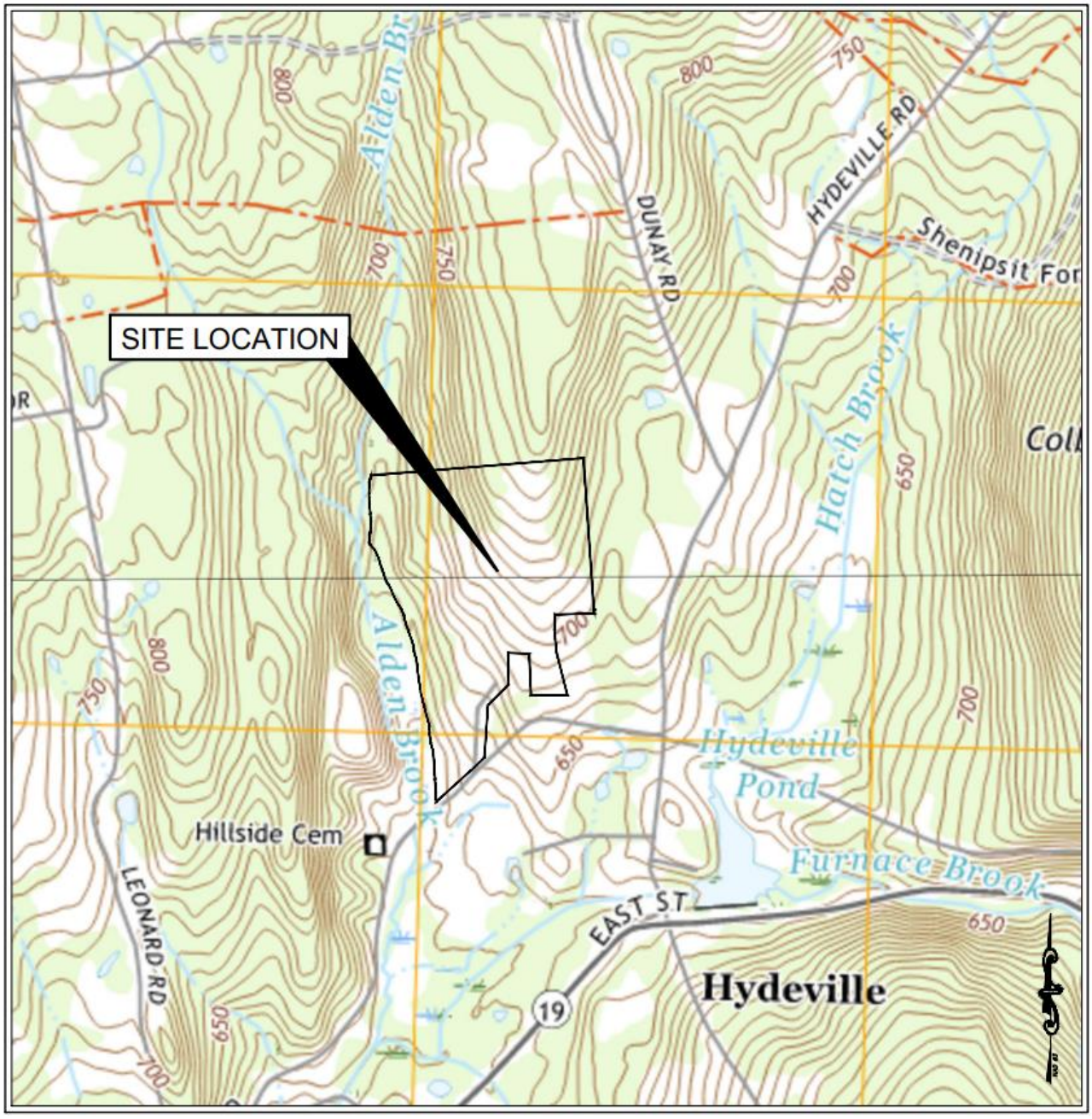
314. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public comment session on August 22, 2024 at 6:30 p.m. via Zoom remote conferencing. (Record; Tr. 2, p. 4)

315. During the public comment period, the Council received 1 written limited appearance statement regarding the proposed facility. The comment expressed no concerns regarding the facility. (Record).

316. Based on neighborhood concerns regarding the access drive, site disturbance and layout, SSO modified the proposed facility by relocating the access drive further west, away from wetlands and an abutting property, ensured the terminus of the access drive could accommodate emergency vehicles, and eliminated the stormwater basins to reduce site disturbance and reconfigured the site layout to move the inverters farther away from an abutting property line. (SSO 1, Appendix F)

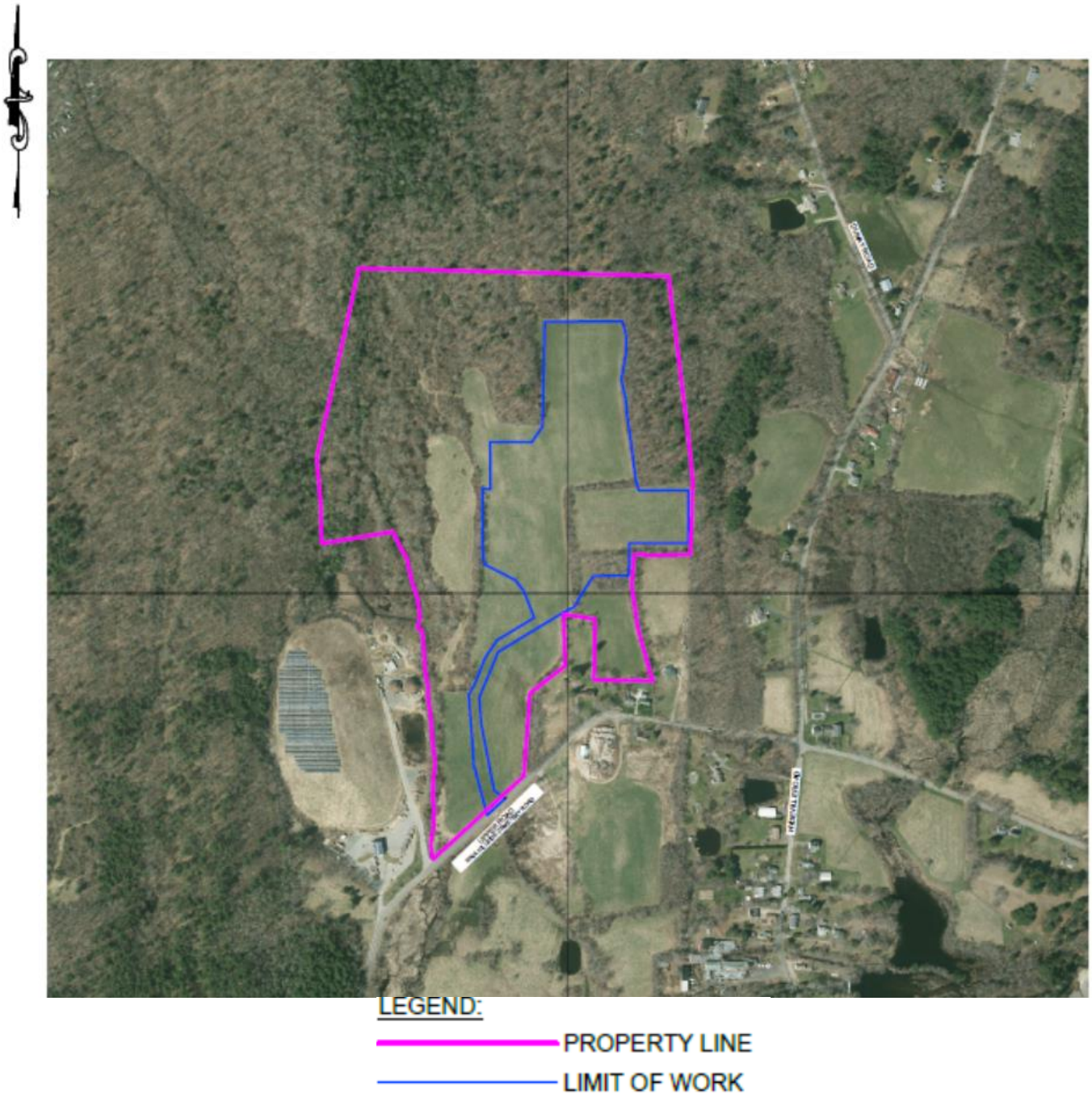
[3] https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261/subpart-C/section-261.24

Figure 1 – Site Location



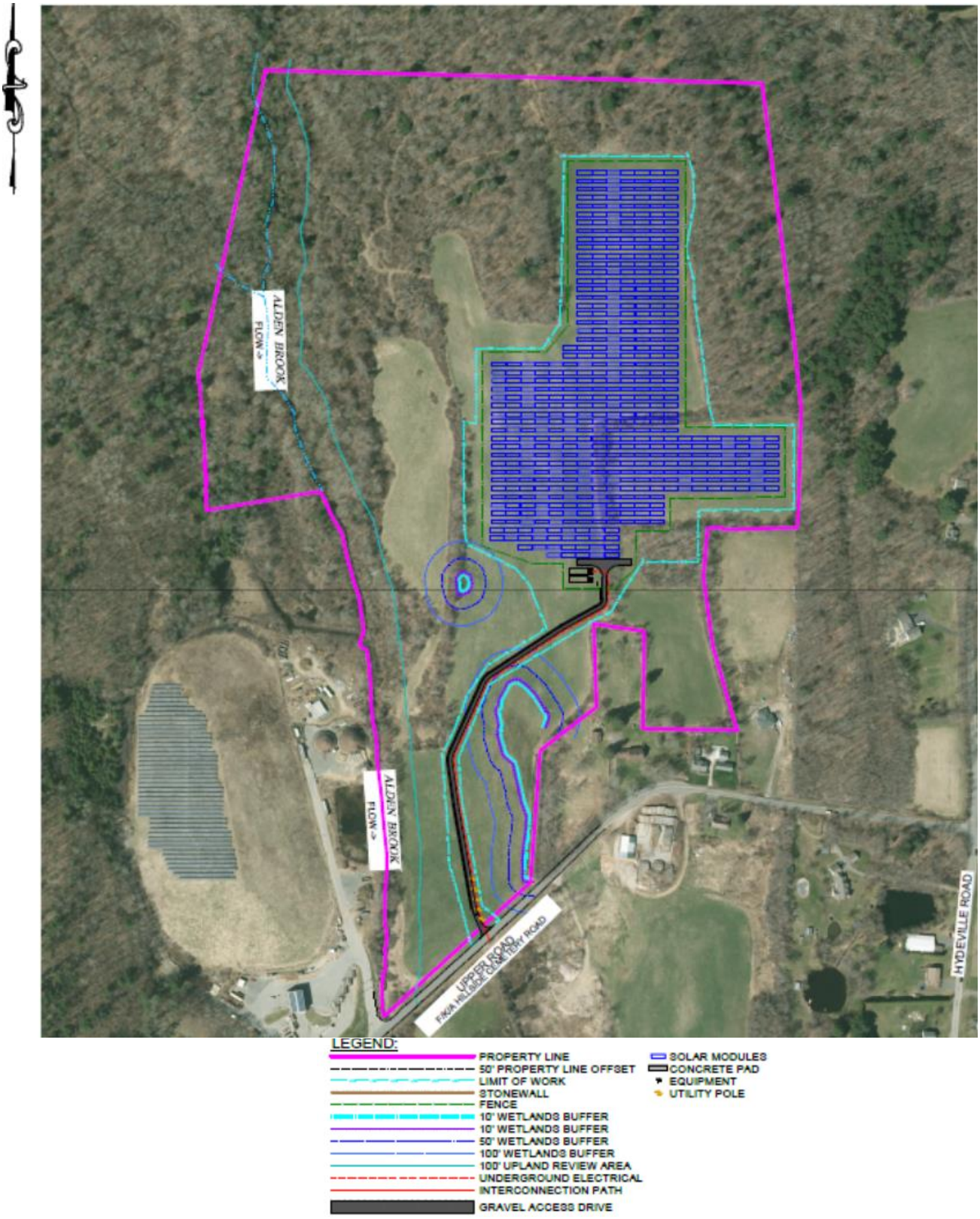
(SSO 1 Appendix B)

Figure 2- Existing Site Conditions



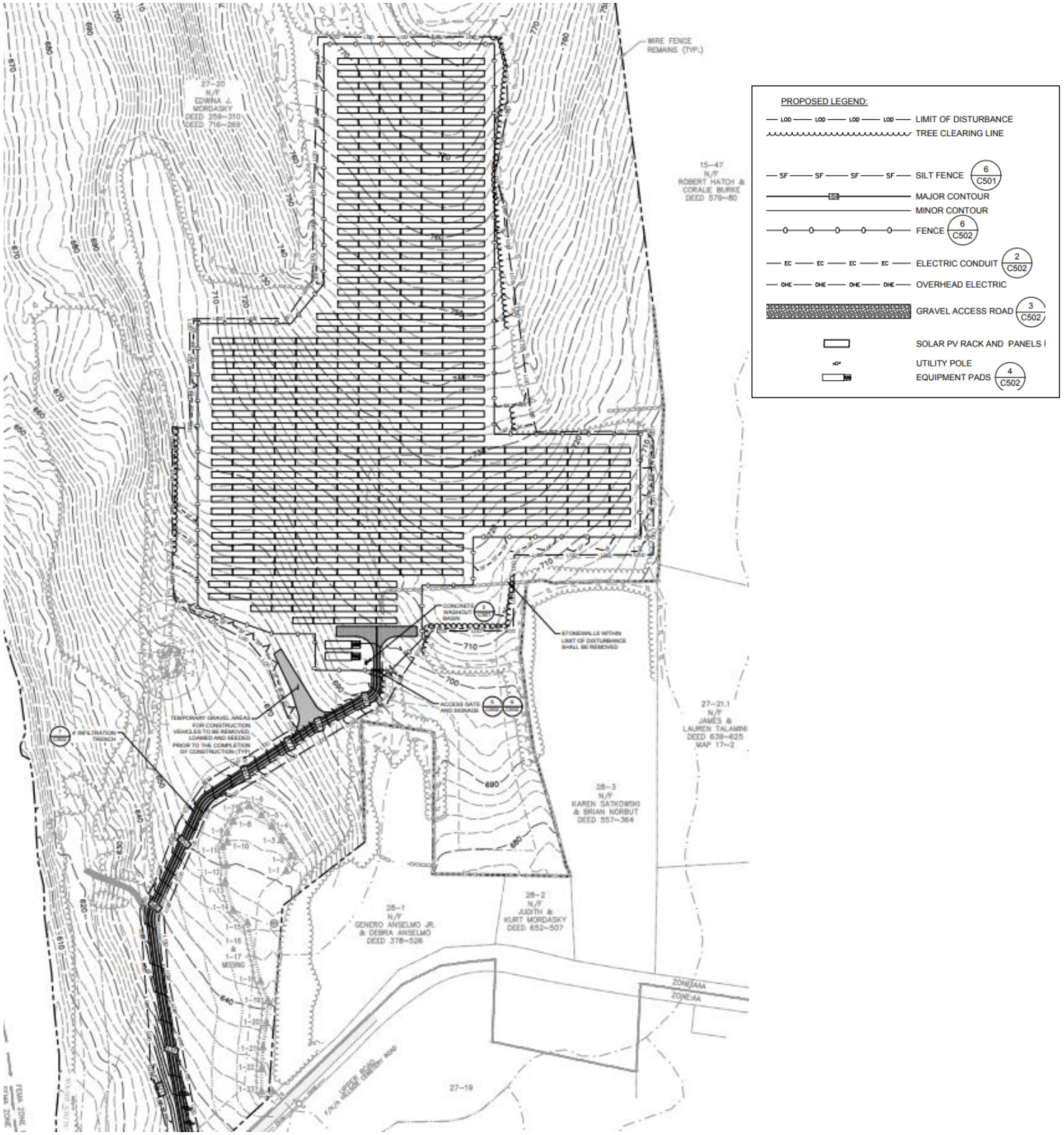
(SSO 1, p. 5)

Figure 3 – Proposed Facility Layout



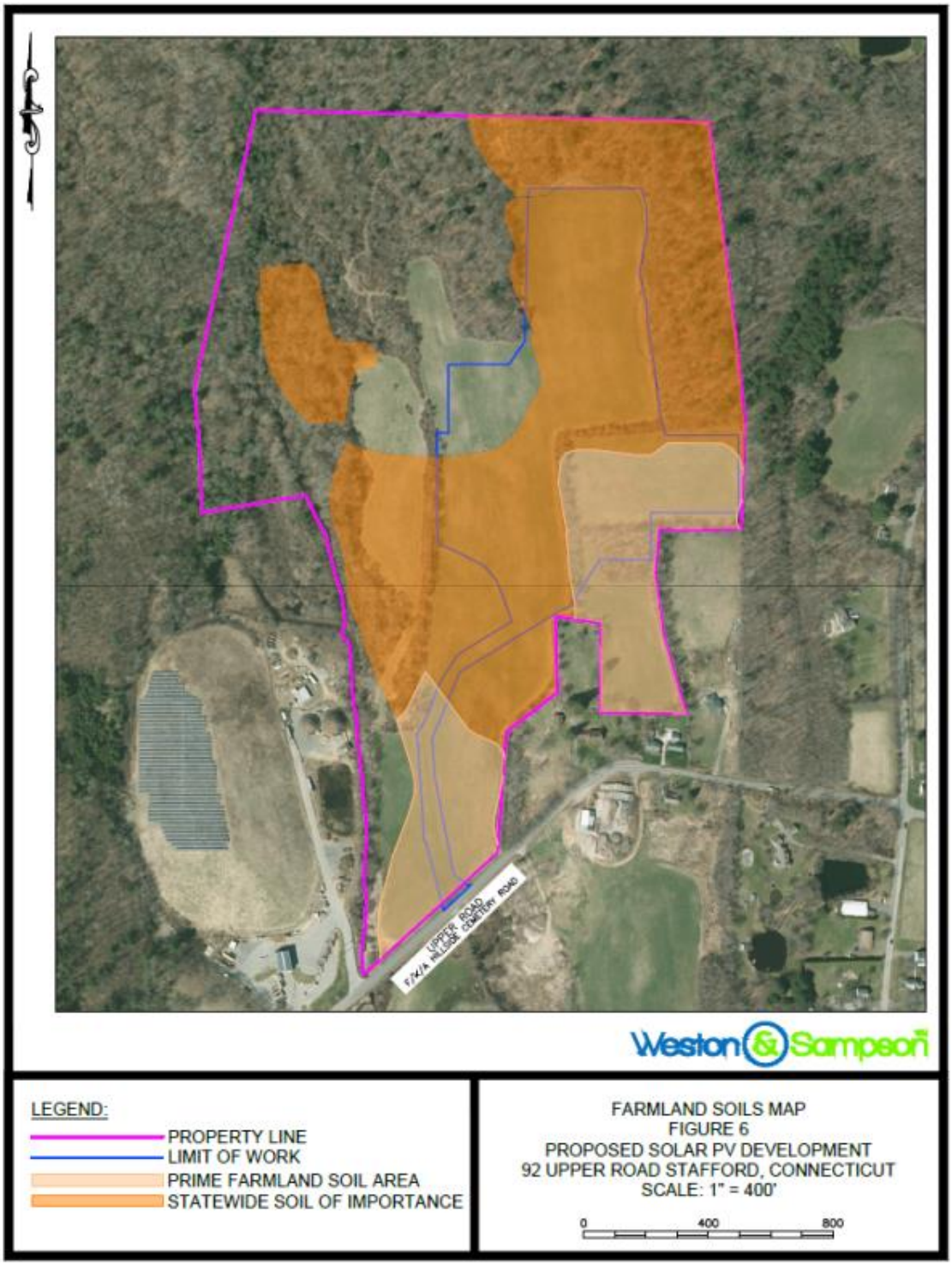
(SSO 1, p. 11)

Figure 4 – Proposed Site Plan



(SSO 1, Appendix B)

Figure 5 – Farmland Soils Map



(SSO 1, Figure 6)