



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

September 26, 2017

Lee D. Hoffman, Esq.
Pullman & Comley LLC
90 State House Square
Hartford, CT 06103

RE: **PETITION NO. 1294** – LSE Canes Venatici LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, operation, and maintenance of a 2.0 megawatt AC Solar Photovoltaic Electric Generating facility located at East Windsor Tax Assessor Map 037, Block 65, Lot 027A, Wapping Road, East Windsor, Connecticut. (NORCAP North).

PETITION NO. 1295 – LSE Coma Berenices LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, operation, and maintenance of a 2.0 megawatt AC Solar Photovoltaic Electric Generating facility located at East Windsor Tax Assessor Map 027, Block 65, Lot 031, 90 Wapping Road, East Windsor, Connecticut. (NORCAP South).

Dear Attorney Hoffman:

Please be advised that the Connecticut Siting Council (Council) is in receipt of e-mail correspondence from Mr. Jordan Belknap, Director of Operations at Lodestar Energy, dated September 25, 2017 indicating construction has started on the above-referenced projects. A copy of the e-mail correspondence is attached for your convenience.

Please also be advised that the Council's May 26, 2017 final decisions on the above-referenced projects, copies of which are attached, specifically requested as a condition of approval that Development and Management Plans (D&M Plans) be prepared, served on the Town of East Windsor for comment, submitted to and approved by the Council **prior to the commencement of facility construction**. Although the analyst assigned to this matter received correspondence on June 27, 2017 from Mr. Timothy Coon of J.R. Russo & Associates purporting to represent the required D&M Plans for the two projects, a copy of which is attached, the correspondence and plans were not copied to the Town of East Windsor nor were an original and 15 copies of the correspondence and plans submitted to the Council for review and approval. Therefore, the Council has not received, reviewed or approved any D&M Plans for these projects. This is a blatant violation of the Council's final decisions in these matters.

The Council's final decisions specifically required the submission of a final site plan, phasing plan for construction activities, erosion and sedimentation control plan and stormwater management plan for review and approval prior to construction. These plans have not been submitted to, reviewed or approved by the Council for these projects. Therefore, any construction at these sites is completely unauthorized at this time.

Furthermore, the Connecticut Department of Energy and Environmental Protection (DEEP) identified three listed species listed on the Natural Diversity Database that could occur at the site: the American Kestrel, the red-headed woodpecker and the wood turtle. After an on-site investigation was conducted for these species, the project developer indicated that it would implement established DEEP wood turtle protection protocols during construction. Since no D&M Plans have been submitted, reviewed or approved by the Council, it appears that there are no wood turtle protection protocols being implemented at the site while construction, although completely unauthorized at this time, is underway.

Effective immediately, all construction at the above-referenced sites shall cease until the projects are brought into compliance with the Council's May 26, 2017 final decisions. D&M Plans are to be prepared, properly served on the Town of East Windsor for comment, and submitted to and approved by the Council before any construction may occur at these sites.

Thank you for your anticipated cooperation.

Very truly yours,



Melanie Bachman
Executive Director

MAB/RDM/lm

Enclosure: September 25, 2017 e-mail correspondence from Jordan Belknap
Council's Final Decisions and Staff Reports dated May 25, 2017
June 27, 2017 Correspondence from Timothy Coon

- c: The Honorable Robert L. Maynard, First Selectman, Town of East Windsor
- Laurie P. Whitten, CZEO, AICP, Town Planner, Town of East Windsor
- Jeffrey J. Macel, Esq., Lodestar Energy LLC
- John H. Switzer, Lodestar Energy LLC
- Jordan Belknap, Lodestar Energy LLC

From: Mercier, Robert
Sent: Tuesday, September 26, 2017 8:55 AM
To: Bachman, Melanie <Melanie.Bachman@ct.gov>
Subject: FW: Petitions 1294 & 1295 Condition of Approval Questions

FYI,, they have started the NORCAP projects.

From: Jordan Belknap [<mailto:jbelknap@lodestartenergy.com>]
Sent: Monday, September 25, 2017 1:02 PM
To: Mercier, Robert
Subject: Re: Petitions 1294 & 1295 Condition of Approval Questions

Hi Bob

Hope you are well.

We have started construction on the Norcap projects. It's going well so far no issues.

Thanks
Jordan

Sent from my iPhone

On Sep 22, 2017, at 3:30 PM, Mercier, Robert <Robert.Mercier@ct.gov> wrote:

Hi Jordan, I hope all is good.

What is the current status of the NORCAP projects? Solar is becoming a big issue in CT these days.

Thanks

Bob

From: Mercier, Robert
Sent: Monday, June 12, 2017 3:29 PM
To: 'Jordan Belknap'
Cc: tim coon
Subject: RE: Petitions 1294 & 1295 Condition of Approval Questions

Hi Jordan, I am around the office the next 3 days but have several hearings. I will be here until 4:30 today and would be available until mid-morning tomorrow if you have some quick questions.

Otherwise you can email your questions if you wish, I can forward any legal issues to our staff attorney and/or project supervisor if you have something I can't answer.

Bob
860-827-2966

From: Jordan Belknap [<mailto:jbelknap@lodestarenergy.com>]
Sent: Friday, June 09, 2017 1:54 PM
To: Mercier, Robert
Cc: tim coon
Subject: Petitions 1294 & 1295 Condition of Approval Questions

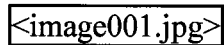
Hi Robert,

Tim Coon and I were reviewing the conditions of approval for 1294 & 1295, the solar facilities in East Windsor.

We have a couple questions about around requirements. Could we schedule a brief conference call with you to clear up a couple items?

Please let us know your availability.

Thanks,
Jordan



Jordan Belknap
Director of Operations
Lodestar Energy
(O) 617-982-3201
(M) 617-312-6553
(F) 215-207-9793
www.lodestarenergy.com



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CERTIFIED MAIL RETURN RECEIPT REQUESTED

May 26, 2017

Lee D. Hoffman, Esq.
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90 State House Square
Hartford, CT 06103

RE: **PETITION NO. 1294** – LSE Canes Venatici LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, operation, and maintenance of a 2.0 megawatt AC Solar Photovoltaic Electric Generating facility located at East Windsor Tax Assessor Map 037, Block 65, Lot 027A, Wapping Road, East Windsor, Connecticut. (NORCAP North).

Dear Attorney Hoffman:

At a public meeting held on May 25, 2017, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need, with the recommendation to establish vegetation that includes model pollinator habitat and with the following conditions:

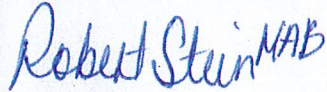
1. The Petitioner shall prepare a Development and Management Plan (D&M) for this site in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of East Windsor for comment and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a. Final site plan(s) for the development of the facility including, but not limited to, placement of the solar panels and support structures, electrical interconnection design, access road(s), landscaping, and fence design;
 - b. A Phasing Plan for construction activities, including, but not limited to, clearing and grubbing, grading, excavation, filling and dewatering, to avoid disturbance of no more than 5 acres at a time that includes, but is not limited to, limits of clearing, grading and installation of temporary stormwater controls for runoff per phase, a depiction of the sequence or specific order of phased construction activities relative to site preparation and stormwater controls, and use of best management practices and procedures for stabilization of one phase before another phase begins;
 - c. An Erosion and Sedimentation Control Plan consistent with the 2002 *Connecticut Guidelines for Erosion and Sedimentation Control*, as amended, that includes, but is not limited to, a plan for soil stabilization and protection that ensures existing vegetation is preserved to the maximum extent practicable and that disturbed portions of the site are minimized and stabilized, and a narrative and drawings of interim and permanent soil stabilization practices for managing disturbed areas and soil stockpiles;

- d. A Stormwater Management Plan consistent with the *2004 Connecticut Stormwater Quality Manual*, as amended, stamped by a professional engineer duly licensed in the state of Connecticut that includes, but is not limited to, details as to how stormwater runoff will be controlled per phase of construction activity, a clear depiction of the limits of disturbance for the entire construction activity and for each phase of construction activity, and structural measures, such as temporary sediment traps or temporary sediment basins, to divert flows away from exposed soils, store flows or otherwise limit runoff and minimize the discharge of pollutants from the site; and
 - e. Provision to maintain grasses and forbs within the proposed sedimentation basin by mowing the basin once per year, outside of the wood turtle's active season of March 1 to November 1.
2. Provide a copy of the Emergency Response Plan to local emergency responders prior to facility operation and provide, if requested, Emergency Response training;
 3. Approval of any minor project changes be delegated to Council staff;
 4. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed within three years from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable;
 5. Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be served on all parties and intervenors, if applicable, and the Town of East Windsor;
 6. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
 7. The facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v;
 8. This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v; and
 9. If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition dated March 27, 2017 and additional information received on May 8, 2017.

Enclosed for your information is a copy of the staff report on this project.

Very truly yours,

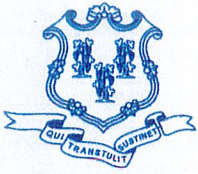


Robert Stein
Chairman

RS/RDM/lm

Enclosure: Staff Report dated May 25, 2017

c: The Honorable Robert L. Maynard, First Selectman, Town of East Windsor
Laurie P. Whitten, CZEO, AICP, Town Planner, Town of East Windsor
Jeffrey J. Macel, Esq., Lodestar Energy LLC
John H. Switzer, Lodestar Energy LLC



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Petition No. 1294

LSE Canes Venatici LLC – Lodestar Energy

NORCAP North Solar Facility

East Windsor, Connecticut

Staff Report

May 25, 2017

Introduction

On March 27, 2017, LSE Canes Venatici LLC, a subsidiary of Lodestar Energy LLC (Lodestar), submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (Certificate) is required for the construction, operation and maintenance of a 2.0 megawatt (MW) alternating current solar photovoltaic generating facility located at 84 Wapping Road in East Windsor, Connecticut. On April 19, 2017, the Council submitted interrogatories to Lodestar for additional project information. Lodestar responded to the Council's interrogatories on May 3, 2017.

On April 26, 2017, the Council conducted a field review of the proposed project that was attended by Council members Robert Hannon and Daniel Lynch, Council staff member Robert Mercier, Lodestar representatives Timothy Coon, Jeffery Macel and Jordan Belknap, and the Town of East Windsor Director of Planning and Development, Laurie Whitten.

On or about March 21, 2017, Lodestar notified the Town of East Windsor (Town), abutting property owners, and state officials and agencies of the project. On April 28, 2017, the Council received correspondence from East Windsor First Selectman Robert Maynard indicating support for the proposed project. On May 2, 2017, the Department of Transportation Bureau of Engineering and Construction submitted correspondence to the Council indicating that the agency has no comment.

Municipal Consultation

Prior to filing the Petition with the Council, Lodestar attended public meetings of the Town Inland Wetlands Watercourse Agency on December 7, 2016, the Planning and Zoning Commission on December 13, 2016, and the Town Selectmen's public meeting on December 20, 2016. At the meetings, Lodestar provided information about the proposal and responded to questions. No specific changes to the project were requested by the Town.

Public Benefit

The project would be a "grid-side distributed resources" facility, as defined in Connecticut General Statutes (CGS) § 16-1(a)(37). CGS § 16a-35k establishes the State's energy policy, including the goal to "develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent." The 2013 Connecticut Comprehensive Energy Strategy emphasizes low- or no-emission sources of electric generation and development of more distributed generation. The proposed facility is a distributed generation project and would contribute to fulfilling the State's Renewable Portfolio Standard as a zero emission Class I renewable energy source. The site is presently used for commercial agriculture and the project will be participating in the State's Agricultural Virtual Net Metering Program.



CONNECTICUT SITING COUNCIL
Affirmative Action / Equal Opportunity Employer

Proposed Site

Lodestar would construct the solar facility on a 12 acre leased area within a 14.6-acre parcel owned by the Northern Capital Region Disposal Facility, Inc. (NORCAP). The parcel, located west of Wapping Road, is zoned agricultural/residential and is currently used as a soil and stump storage area. The landlocked parcel is bound by a capped landfill owned by NORCAP to the west and south and by undeveloped land to the north and east. Access to the leased area would be from an existing dirt road that extends from 750 feet across an abutting NORCAP parcel from Wapping Road.

A solar installation on the capped landfill was considered but ultimately determined not to be viable due to steep wooded slopes that could not support a solar racking system, the lack of suitable access to the top of the landfill, and the limited amount of flat terrain on top of the landfill that would be suitable for solar development.

Proposed Project

The proposed solar field would occupy approximately 10 acres of the 12 acre leased area. The solar field would include 9,288 solar photovoltaic modules connected to 34 string inverters. The panels would be installed on a post driven rack support system arranged in linear rows with the vertical steel support posts driven approximately eight feet into the ground. The racking support system would be designed in accordance with the State building code. The panels would be oriented to the south at a 25 degree angle and would extend to a height of eight feet above ground level.

The project would interconnect with Eversource's existing overhead 23-kilovolt three-phase distribution line on Wapping Road. Lodestar would install seven new utility poles along the access road, and a 1,100-foot long three phase 23-kV overhead line connecting to a transformer/switchgear pad located in the southeast portion of the solar field. From there, an underground line would connect to a second transformer/switchgear pad in the northeast portion of the solar field.

An eight-foot high fence of two-inch mesh would enclose the solar field. The existing dirt access road to the solar field would be improved and widened to conform to Town requirements for emergency responder vehicle access. Lodestar has submitted an Emergency Response Plan to the Council.

Construction of the project would take four to six months and would begin once Project approvals are obtained. Work hours would be 7 AM to 7 PM, Monday through Saturday.

Environmental Considerations

Approximately 8 acres of the solar field area is currently barren with the remainder of the project area consisting of shrubs and woodland. Lodestar would clear 3.7 acres of shrub and woodland along the northern and eastern sides of the leased area and grade the site so that it slopes to the northwest at a gentle grade.

A sedimentation basin specific for project construction would be established in the northwest corner of the site, near the location of a former sedimentation basin that was established for past property use. The proposed sedimentation basin would be constructed partially on land owned by NORCAP to the west, requiring Lodestar to obtain a land lease agreement with NORCAP for use of this area.

The proposed sedimentation basin would convey stormwater flows over porous gravelly soils towards the former sedimentation basin. During larger storm events, water could be discharged via a rip rap supported overflow outlet. Prior to site construction, Lodestar would register under the Department of Energy and

Environmental Protection (DEEP) General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities. Additionally, Lodestar would prepare a DEEP required Stormwater Pollution Control Plan.

The project site is 2,200 feet south of a DEEP designated aquifer protection area. No impacts to the aquifer protection area are anticipated as Ketch Brook is between the site and the aquifer, acting as a groundwater divide. Private water wells are located near the site, with the nearest well over 800 feet distant. No impacts to private drinking water wells are expected. Although the northwest portion of the property is within a Federal Emergency Management Agency designated 100-year flood zone, the project lease area is not within the flood zone.

Once construction is complete, Lodestar would seed the solar field and sedimentation basin with appropriate seed mixes. Approximately 4,920 cubic yards of topsoil would be imported to the site and spread to a depth of three inches for seeding. A low growth, low maintenance meadow/seed mix would be used, and once established, would provide necessary stormwater infiltration at the site. The construction sedimentation basin would no longer be used and would be left in place. Mowing of the main solar field, excluding the sedimentation basin, would occur twice per year. The sedimentation basin would be mowed once per year. No pesticides or herbicides would be used at the site.

The project development area does not contain any wetlands. A wetland area is located immediately north of the proposed sediment basin, in the depression of the former sedimentation basin that was established for past activities on the property. A second wetland, a riparian wetland associated with Ketch Brook, was identified 150 feet northeast of the leased project area limit. Part of this wetland extends on the site property but not within the leased area. A steep wooded escarpment rises along the northern side of the property, beyond the project lease area, acts as a stormwater barrier to Ketch Brook.

DEEP initially reviewed the project and determined that three species listed on the Natural Diversity Database could occur at the site: the American Kestrel, the red-headed woodpecker and the wood turtle. Lodestar conducted an on-site investigation for these species and determined that the kestrel and woodpecker would have a low site utilization given past and ongoing disturbance with heavy machinery at the site and the lack of vegetation over most of the site. Potential use of the site by the wood turtle was considered moderate in the northwest corner of the parcel, an area approximately 150 feet from Ketch Brook, and as a result, Lodestar would implement established DEEP wood turtle protection protocols during construction. Additionally, as recommended by the ecological consultant, Lodestar would establish and maintain grasses and forbs within the proposed sedimentation basin upon completion of site construction and would mow the basin once per year, outside the turtle's active season of late March to late October.

A portion of the parcel is designated as prime farmland according to mapping maintained by the United States Department of Agriculture. Although mapped as such, no prime farmland soils remain within the project area due to past sand and gravel mining. The parcel is not enrolled in the Connecticut Department of Agriculture Farmland Preservation Program.

The State Historic Preservation Office submitted correspondence to Lodestar indicating the project would have no adverse effect on cultural or historic resources.

The project would not produce air or water emissions as a result of operation. A carbon debt analysis accounting for the loss of 3.7 acres of woodland in comparison to the generated solar power that displaces fossil fuel generation indicates a net carbon reduction would begin after 3.8 years of site operation.

The proposed project is expected to meet the DEEP noise standards at the property boundaries. No residential development is near the site. The site would not be visible from any developed abutting properties or area roads and no landscaping is proposed.

The project has an initial service life of 20 years. A Decommissioning Plan was submitted to the Council and has provisions for project removal and component recycling.

Conclusion

The project is a grid-side distributed resource with a capacity of not more than sixty-five megawatts and meets air and water quality standards of DEEP. The proposed project will not produce air emissions, will not utilize water to produce electricity, was designed to minimize environmental impacts, and furthers the State's energy policy by developing and utilizing renewable energy resources and distributed energy resources.

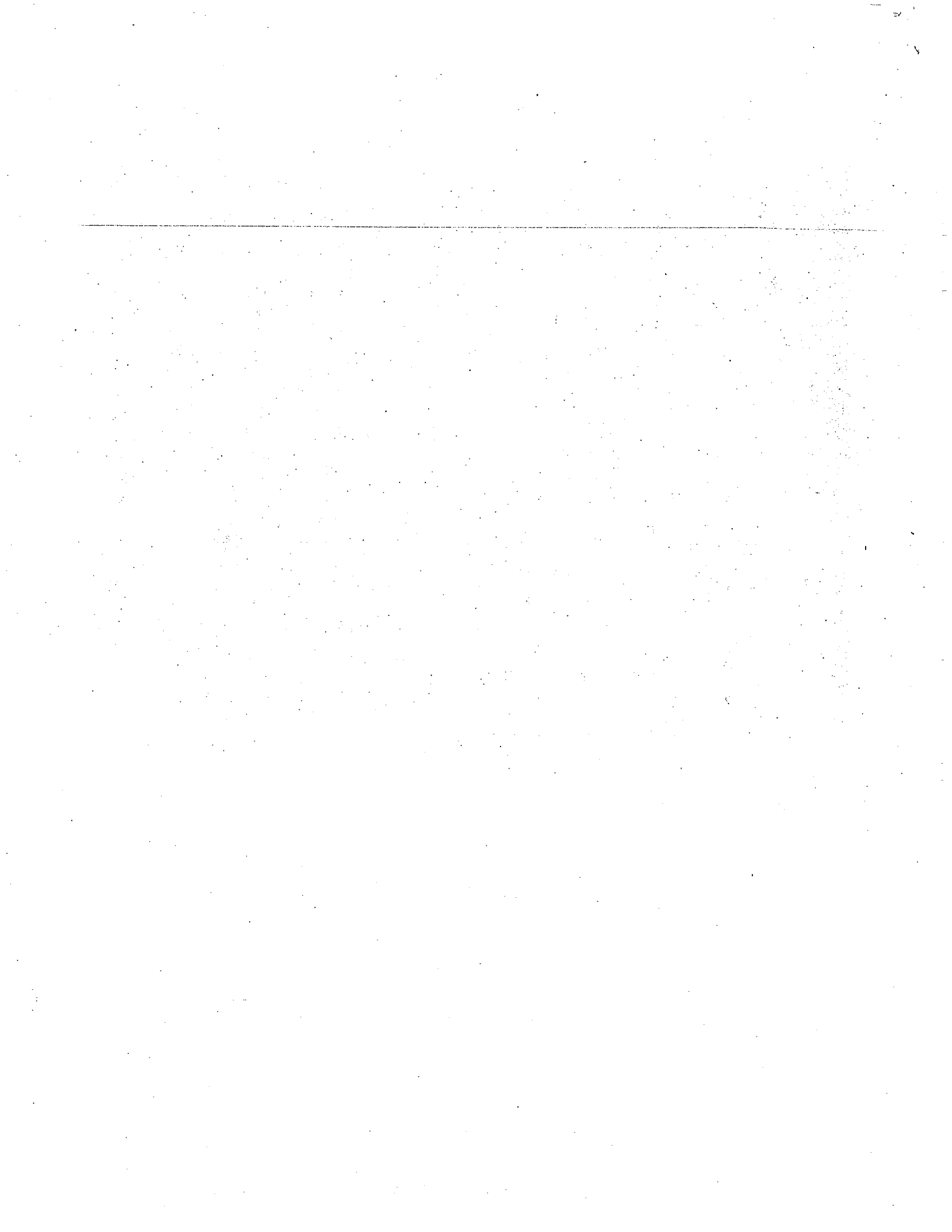
Recommendations

Staff recommends inclusion of the following conditions:

1. The Petitioner shall prepare a Development and Management Plan (D&M) for this site in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of East Windsor for comment and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) Final site plan(s) for the development of the facility including, but not limited to, placement of the solar panels and support structures, electrical interconnection design, access road(s), landscaping, and fence design;
 - b) A Phasing Plan for construction activities, including, but not limited to, clearing and grubbing, grading, excavation, filling and dewatering, to avoid disturbance of no more than 5 acres at a time that includes, but is not limited to, limits of clearing, grading and installation of temporary stormwater controls for runoff per phase, a depiction of the sequence or specific order of phased construction activities relative to site preparation and stormwater controls, and use of best management practices and procedures for stabilization of one phase before another phase begins;
 - c) An Erosion and Sedimentation Control Plan consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control*, as amended, that includes, but is not limited to, a plan for soil stabilization and protection that ensures existing vegetation is preserved to the maximum extent practicable and that disturbed portions of the site are minimized and stabilized, and a narrative and drawings of interim and permanent soil stabilization practices for managing disturbed areas and soil stockpiles; and
 - d) A Stormwater Management Plan consistent with the *2004 Connecticut Stormwater Quality Manual*, as amended, stamped by a professional engineer duly licensed in the state of Connecticut that includes, but is not limited to, details as to how stormwater runoff will be controlled per phase of construction activity, a clear depiction of the limits of disturbance for the entire construction activity and for each phase of construction activity, and structural measures, such as temporary sediment traps or temporary sediment basins, to divert flows away from exposed soils, store flows or otherwise limit runoff and minimize the discharge of pollutants from the site.
2. Provide a copy of the Emergency Response Plan to local emergency responders prior to facility operation and provide, if requested, Emergency Response training; and
3. Approval of any minor project changes be delegated to Council staff.

NORCAP North - Proposed Project Site







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CERTIFIED MAIL RETURN RECEIPT REQUESTED

May 26, 2017

Lee D. Hoffman, Esq.
Pullman & Comley LLC
90 State House Square
Hartford, CT 06103

RE: **PETITION NO. 1295** – LSE Coma Berenices LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, operation, and maintenance of a 2.0 megawatt AC Solar Photovoltaic Electric Generating facility located at East Windsor Tax Assessor Map 027, Block 65, Lot 031, 90 Wapping Road, East Windsor, Connecticut. (NORCAP South).

Dear Attorney Hoffman:

At a public meeting held on May 25, 2017, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need, with the recommendation to establish vegetation that includes model pollinator habitat and with the following conditions:

1. The Petitioner shall prepare a Development and Management Plan (D&M) for this site in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of East Windsor for comment and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
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 - c. An Erosion and Sedimentation Control Plan consistent with the 2002 *Connecticut Guidelines for Erosion and Sedimentation Control*, as amended, that includes, but is not limited to, a plan for soil stabilization and protection that ensures existing vegetation is preserved to the maximum extent practicable and that disturbed portions of the site are minimized and stabilized, and a narrative and drawings of interim and permanent soil stabilization practices for managing disturbed areas and soil stockpiles; and

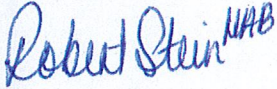
- d. A Stormwater Management Plan consistent with the *2004 Connecticut Stormwater Quality Manual*, as amended, stamped by a professional engineer duly licensed in the state of Connecticut that includes, but is not limited to, details as to how stormwater runoff will be controlled per phase of construction activity, a clear depiction of the limits of disturbance for the entire construction activity and for each phase of construction activity, and structural measures, such as temporary sediment traps or temporary sediment basins, to divert flows away from exposed soils, store flows or otherwise limit runoff and minimize the discharge of pollutants from the site.
2. Provide a copy of the Emergency Response Plan to local emergency responders prior to facility operation and provide, if requested, Emergency Response training;
3. Approval of any minor project changes be delegated to Council staff;
4. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed within three years from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable;
5. Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be served on all parties and intervenors, if applicable, and the Town of East Windsor;
6. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
7. The facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v;
8. This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v; and
9. If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.

May 26, 2017

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition dated March 27, 2017 and additional information received on May 8, 2017.

Enclosed for your information is a copy of the staff report on this project.

Very truly yours,

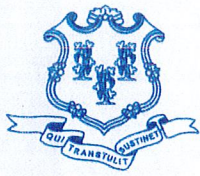


Robert Stein
Chairman

RS/RDM/lm

Enclosure: Staff Report dated May 25, 2017

- c: The Honorable Robert L. Maynard, First Selectman, Town of East Windsor
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Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

Petition No. 1295

LSE Coma Berenices LLC – Lodestar Energy

NORCAP South Solar Facility

East Windsor, Connecticut

Staff Report

May 25, 2017

Introduction

On March 27, 2017, LSE Coma Berenices LLC, a subsidiary of Lodestar Energy LLC (Lodestar), submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (Certificate) is required for the construction, operation and maintenance of a 2.0 megawatt (MW) alternating current solar photovoltaic generating facility located at 90 Wapping Road in East Windsor, Connecticut. On April 17, 2017, the Council submitted interrogatories to Lodestar for additional project information. Lodestar responded to the Council's interrogatories on May 3, 2017.

On April 26, 2017, the Council conducted a field review of the proposed project that was attended by Council members Robert Hannon and Daniel Lynch, Council staff member Robert Mercier, Lodestar representatives Timothy Coon, Jeffery Macel and Jordan Belknap, and the Town of East Windsor Director of Planning and Development, Laurie Whitten.

On or about March 21, 2017, Lodestar notified the Town of East Windsor (Town), abutting property owners, state officials and state agencies of the project. On April 28, 2017, the Council received correspondence from Town of East Windsor First Selectman Robert Maynard indicating support for the proposed project.

Municipal Consultation

Prior to filing the Petition with the Council, Lodestar attended public meetings of the Town Inland Wetlands Watercourse Agency on December 7, 2016, the Planning and Zoning Commission on December 13, 2016, and the Town Selectmen's public meeting on December 20, 2016. At the meetings, Lodestar provided information about the proposal and responded to questions. No specific changes to the project were requested by the Town.

Public Benefit

The project would be a "grid-side distributed resources" facility, as defined in Connecticut General Statutes (CGS) § 16-1(a)(37). CGS § 16a-35k establishes the State's energy policy, including the goal to "develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent." The 2013 Connecticut Comprehensive Energy Strategy emphasizes low- or no-emission sources of electric generation and development of more distributed generation. The proposed facility is a distributed generation project and would contribute to fulfilling the State's Renewable Portfolio Standard as a zero emission Class I renewable energy source. The site is presently used for commercial agriculture and the project will be participating in the State's Agricultural Virtual Net Metering Program.



CONNECTICUT SITING COUNCIL

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Proposed Site

Lodestar would construct the solar facility on an 11.2 acre leased area within a 42 acre rectangular parcel owned by the Northern Capital Region Disposal Facility, Inc. (NORCAP). The parcel is zoned agricultural/residential and fronts Wapping Road on its east side. A railroad corridor is along the western parcel boundary. A capped landfill owned by NORCAP is located on abutting property to the north. Active and inactive agricultural land is located to the east, west and south of the parcel. Access to the leased area would be from NORCAP's existing landfill access road that extends from Wapping Road.

A solar installation on the capped landfill was considered but ultimately determined not to be viable due to steep wooded slopes that could not support a solar racking system, the lack of suitable access to the top of the landfill, and the limited amount of flat terrain on top of the landfill that would be suitable for solar development.

Proposed Project

The proposed solar field would occupy approximately 10 acres of the 11.2-acre leased area. The solar field would include 9,288 solar photovoltaic modules arranged in linear rows 11.1 feet apart. The panels would be installed on a post driven rack support system, designed in accordance with the State building code, that uses aluminum framing supported by vertical steel support posts driven approximately six to eight feet into the ground. The panels would be oriented to the south at a 25 degree angle and would extend to a height of eight feet above ground level. An eight-foot high fence of two-inch mesh would enclose the solar field.

A 450-foot long, 14-foot wide gravel access drive would be constructed along the east edge of the solar field, accessing two 5.8-foot by 6.3-foot transformer/switchgear pads. The solar panel rows would connect to 34 string inverters that extend to the electrical equipment pads. The facility would interconnect with Eversource's existing overhead 23-kilovolt three-phase distribution line on Wapping Road. Lodestar would install two new utility poles along the access road, and a 300-foot long three phase 23-kV overhead line connecting to a transformer/switchgear pad located in the northeast portion of the solar field. From there, an underground line would connect to the second transformer/switchgear pad in the southeast portion of the solar field.

Construction of the project would take four to six months and would begin in the Summer of 2017, once Project approvals are obtained. Work hours would be 7 AM to 7 PM, Monday through Saturday.

Environmental Considerations

The parcel was formerly agricultural land and is currently being used as a sand and gravel extraction site. The leased portion of the parcel consists of 4.6 acres of field, 1.4 acres of woodland and 5.2 acres being used for gravel extraction.

The leased solar field area is generally flat with the exception of existing soil and sand piles in the western portion of the leased area. Lodestar would clear 1.4 acres of woodland along the south side of the leased area and grade the site so that it slopes gently to the west, directing stormwater sheet flow towards a depression in the non-leased portion of the property. Due to the gentle slope and underlying porous soils, no stormwater discharge off of the site property is anticipated and thus, no Department of Energy and Environmental Protection (DEEP) General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities.

Approximately 2,823 cubic yards of topsoil would be imported to the site and spread to a depth of three inches for seeding. A low growth, low maintenance meadow/seed mix would be used, and once established, would enhance stormwater infiltration at the site. It is anticipated that the solar field would be mowed twice per year. No pesticides or herbicides would be used at the site.

The project site is 3,700 feet south of a DEEP designated aquifer protection area. No impacts to the aquifer protection area are anticipated as Ketch Brook is between the site and the aquifer, acting as a groundwater divide. Private water wells are located near the site, with the nearest well approximately 300 feet distant. No impacts to private drinking water wells are expected. The site parcel is not within a Federal Emergency Management Agency designated 100-year flood zone. The site property does not contain any wetlands. The nearest wetland is a small pond associated with Dry Brook, approximately 825 feet southeast of the site property.

The site property is not within a DEEP Natural Diversity Database area. The State Historic Preservation Office submitted correspondence to Lodestar indicating the project would have no adverse effect on cultural or historic resources. The proposed project is expected to meet the DEEP noise standards at the property boundaries. No residential development is near the site.

The site property is designated as prime farmland according to mapping maintained by the United States Department of Agriculture. Although mapped as such, no prime farmland soils remain within the project area due to past sand and gravel mining. The parcel is not enrolled in the Connecticut Department of Agriculture Farmland Preservation Program.

The project would not produce air or water emissions as a result of operation. A carbon debt analysis accounting for the loss of 1.4 acres of woodland in comparison to the generated solar power that displaces fossil fuel generation indicates a net carbon reduction would begin after 3.5 years of site operation.

The leased area contains an existing berm with evergreens planted on top along Wapping Road. The berm would be maintained and would serve to screen views of the solar field from Wapping Road. Lodestar would construct a new eight foot high, 600-foot long berm along the south side of the solar field. One hundred arborvitae shrubs would be installed on top of the berm to enhance screening from the abutting property to the south in the event this property becomes developed in the future.

The project is approximately 18,000 feet northwest of the Skylark Airpark, the nearest runway of an airport. The project structures would not constitute an aviation hazard and notice to the Federal Aviation Administration is not required.

The project has an initial service life of 20 years. A Decommissioning Plan was submitted to the Council and has provisions for project removal and component recycling. Lodestar has provided an Emergency Response Plan with the interrogatory responses.

Conclusion

The project is a grid-side distributed resource with a capacity of not more than sixty-five megawatts and meets air and water quality standards of DEEP. The proposed project will not produce air emissions, will not utilize water to produce electricity, was designed to minimize environmental impacts, and furthers the State's energy policy by developing and utilizing renewable energy resources and distributed energy resources.

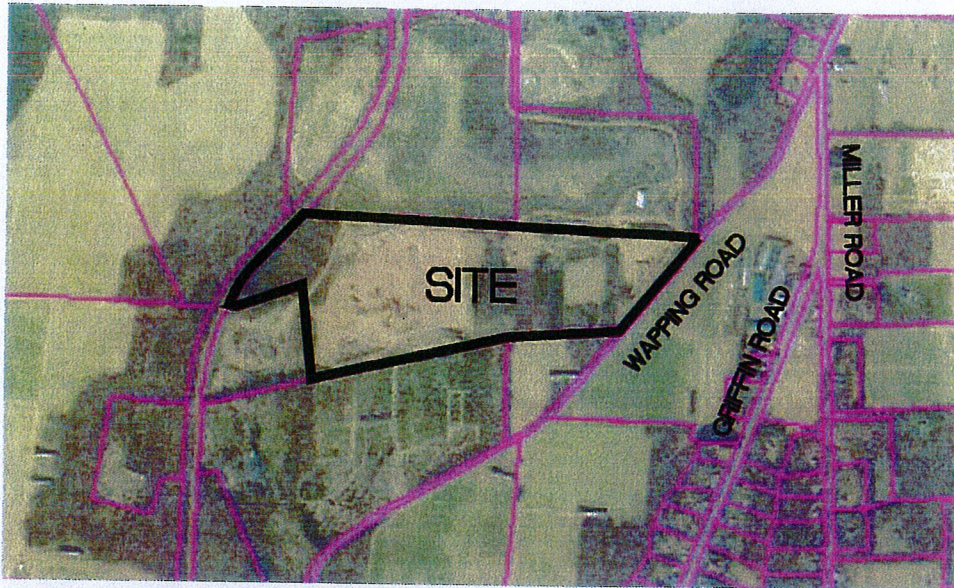
Recommendations

Staff recommends inclusion of the following conditions:

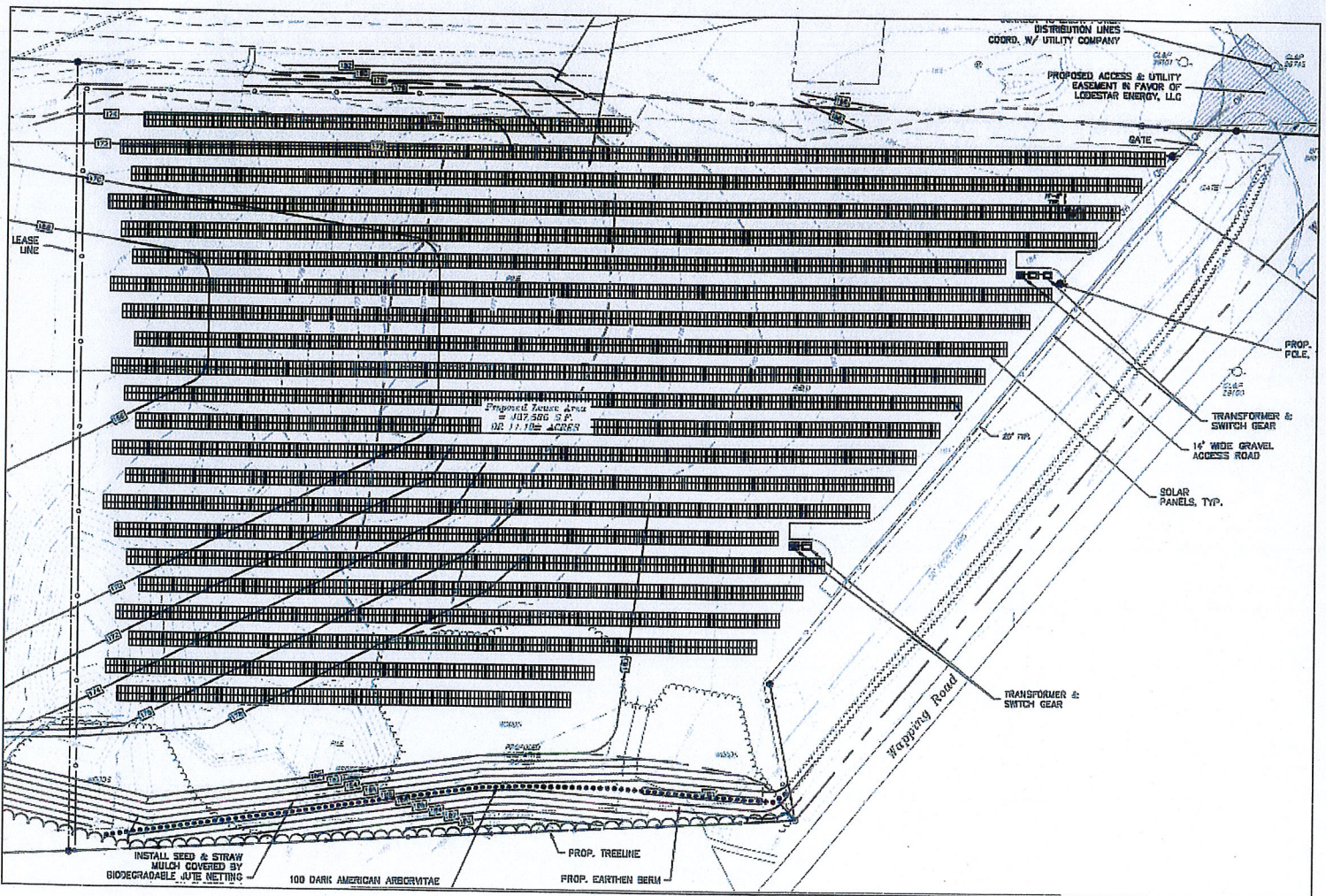
1. The Petitioner shall prepare a Development and Management Plan (D&M) for this site in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of East Windsor for comment and submitted to and approved by the Council prior to the commencement of facility construction and shall include:

- a) Final site plan(s) for the development of the facility including, but not limited to, placement of the solar panels and support structures, electrical interconnection design, access road(s), landscaping, and fence design;
 - b) A Phasing Plan for construction activities, including, but not limited to, clearing and grubbing, grading, excavation, filling and dewatering, to avoid disturbance of no more than 5 acres at a time that includes, but is not limited to, limits of clearing, grading and installation of temporary stormwater controls for runoff per phase, a depiction of the sequence or specific order of phased construction activities relative to site preparation and stormwater controls, and use of best management practices and procedures for stabilization of one phase before another phase begins;
 - c) An Erosion and Sedimentation Control Plan consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control*, as amended, that includes, but is not limited to, a plan for soil stabilization and protection that ensures existing vegetation is preserved to the maximum extent practicable and that disturbed portions of the site are minimized and stabilized, and a narrative and drawings of interim and permanent soil stabilization practices for managing disturbed areas and soil stockpiles; and
 - d) A Stormwater Management Plan consistent with the *2004 Connecticut Stormwater Quality Manual*, as amended, stamped by a professional engineer duly licensed in the state of Connecticut that includes, but is not limited to, details as to how stormwater runoff will be controlled per phase of construction activity, a clear depiction of the limits of disturbance for the entire construction activity and for each phase of construction activity, and structural measures, such as temporary sediment traps or temporary sediment basins, to divert flows away from exposed soils, store flows or otherwise limit runoff and minimize the discharge of pollutants from the site.
2. Provide a copy of the Emergency Response Plan to local emergency responders prior to facility operation and provide, if requested, Emergency Response training; and
 3. Approval of any minor project changes be delegated to Council staff.

NORCAP South - Site Property



NORCAP South - Proposed Site Plan



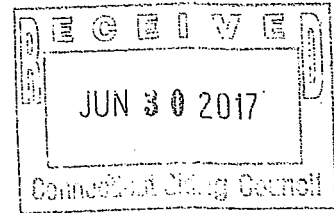




PE 1295

June 27, 2017

Bob Mercier
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051



Re: Petition Nos. 1294 & 1295
NORCAP North and NORCAP South
Wapping Road, East Windsor

Dear Bob,

I am in receipt of the Siting Council's Declaratory Rulings for proposed Solar Generating Facilities at the above-referenced sites. In response to the Condition No.1 of the rulings, the Site Plans for each of the projects have been revised and are being submitted with this letter for review and approval. In particular, the following plan revisions were made:

NORCAP North (Petition No. 1294):

- Addition of Sheet 6 – Erosion and Sediment Control Notes providing a more elaborate narrative description of proposed stabilization and erosion control measures.
- Modification of Construction Sequence on Sheet 6 to better define project phasing.
- Modifications to call-outs for topsoil and seeding on the Site Plan (Sheet 4) to better define topsoil and seeding requirements.
- Revision of Site Plan (Sheet 4) to provide additional perimeter exclusionary silt fence (in accordance with the Turtle Protection Plan), as well as intermediate rows of silt fence to provide additional sediment control of the entire site due to the fact that the majority of the site is already disturbed and exists as bare soil.
- Addition of Construction Exit Pad location on Site Plan (Sheet 5).

NORCAP South (Petition No. 1295):

- Addition of Sheet 5 – Erosion and Sediment Control Notes providing a more elaborate narrative description of proposed stabilization and erosion control measures.
- Modification of Construction Sequence on Sheet 5 to better define project phasing.
- Modifications to call-outs for topsoil and seeding on the Site Plan (Sheet 4) to better define topsoil and seeding requirements.
- Revision of Site Plan (Sheet 4) to provide silt fence downgradient of work area and downgradient of proposed earthen berm to be constructed as Phase 2.
- Addition of Construction Exit Pad location on Site Plan (Sheet 4).

With these revisions, I believe that the Site Plans currently provide all of the elements required for a Development and Management Plan, a Phasing Plan, an Erosion and Sediment Control

Plan, and a Stormwater Management Plan as required by Conditions 1a-1d, with the two minor exceptions discussed below.

With regard to the Phasing Plan, Condition 1b requests that project be phased so that no more than 5 acres are disturbed at any one time. As discussed, these sites contain unique circumstances which make fulfilling this requirement infeasible. As you are aware, due to the historical and recent use of these sites for earth excavation and filling operations, they currently contain disturbed areas with exposed bare soils in excess of 5 acres. All of these disturbed areas need to be re-graded before they can be stabilized. As a result, it is not feasible to phase the projects to limit disturbance under 5 acres at one time. Please note that these sites also have unique characteristics which will help to reduce the potential for erosion and sedimentation which can arise when large areas are disturbed. In particular, the underlying soils at both of these sites are sands and gravels, which are good for infiltration and limit runoff. NORCAP South is also isolated within a depression that has no discharge to surrounding wetlands or properties. All runoff from this site will sheet flow down to the lowest point in the depression where it will infiltrate back into the sandy soils as it currently does. Thus, the runoff from NORCAP South is no threat to any sensitive receptors or adjacent properties.

At NORCAP North, runoff from the site currently flows through an existing sediment basin which has developed into an isolated wetland over the years. In order to protect the downstream receptors at this site, the first phase of construction will include the installation of perimeter silt fence and the construction of a temporary sedimentation basin to protect the downgradient wetlands. The sedimentation basin has been sized to accommodate the entire site being disturbed. The Site Plans for NORCAP North also call for the installation of intermediate rows of silt fence placed across the site at certain locations in order to limit the amount of sediment laden runoff that reaches the sedimentation basin. These intermediate rows of silt fence will ultimately be relocated as grading operations progress so as not to interfere with the grading activities. Upon establishment of final grades, disturbed areas will be receive topsoil and be seeded and mulched as soon as possible to stabilize the soils. As a result of the site characteristics and proposed control measures, sedimentation will be minimized to the extent feasible even though disturbance cannot be limited to less than 5 acres at one time.

Condition 1d requires a Stormwater Management Plan in accordance with the 2004 Connecticut Stormwater Quality Manual for each site. The revised Site Plans provide all of the information required with the exception of the calculations typically included to demonstrate peak flow reduction, groundwater recharge and pollutant reduction. Based on the unique characteristics of the two sites, I do not believe these calculations are necessary. As discussed in the petitions, each of these sites has historically been mined for gravel resulting in an existing condition where the majority of the site currently consists of exposed bare soils with little to no vegetation. The proposed development will result in the establishment of a vegetated cover where none currently exists. Simply by establishing vegetation over the formerly bare soils, there will be an increase in groundwater recharge, a decrease in runoff, and a cleaner runoff due to the filtering and stabilizing characteristics of the vegetation. Based on the conclusions of this qualitative analysis, a quantitative analysis (i.e. calculations) is believed to be unnecessary. Furthermore, calculations are not required to demonstrate that all runoff from the NORCAP South is captured and recharged back into the ground with no discharge from the site. Based on the unique

characteristics of the sites, I believe that the Site Plans themselves meet the intent of a Stormwater Management Plan without calculations and provide sufficient detail of how stormwater will be controlled during and after construction to limit runoff and minimize the discharge of pollutants from the sites.

In summary, I believe that the revised Site Plans and discussion provided in this letter fulfill the requirements of Condition 1 of the Siting Council's declaratory rulings for the NORCAP North and NORCAP South Solar projects.

If there are any questions, or you require further information, please call our office at (860) 623-0569.

Sincerely,

A handwritten signature in black ink that reads "Timothy A. Coon". The signature is written in a cursive style with a large, sweeping initial 'T'.

Timothy A. Coon, P.E.
J.R. Russo & Associates, LLC

Attachments

cc: LSE Coma Berenices LLC
LSE Canes Venatici LLC