



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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September 11, 2018

TO: Parties and Intervenors

FROM: Melanie Bachman, Executive Director *MB*

RE: **PETITION NO. 1348** – Safari Energy, LLC, as agent for West Farms Mall, LLC, petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 2.019-megawatt AC solar photovoltaic electric generating facility located at West Farms Mall, 1500 New Britain Avenue, West Hartford and 500 South Road, Farmington, Connecticut.

Comments have been received from the Connecticut Department of Energy and Environmental Protection, dated September 10, 2018. A copy of the comments is attached for your review.

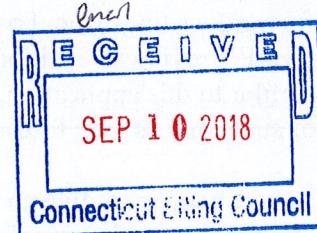
MB/MP/lm

c: Council Members



September 10, 2018

Robert Stein, Chairman
Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051



RE: 2.019-MW Solar Photo-voltaic Generating Facility
Safari Energy, LLC, West Farms Mall
1500 New Britain Avenue, West Hartford and 500 South Road, Farmington, CT
Petition No. 1348

Dear Chairman Stein:

The Department of Energy & Environmental Protection (DEEP) has reviewed the above referenced Petition for Declaratory Ruling for the proposed construction, maintenance and operation of a 2.019 megawatt AC solar photovoltaic electric generating facility located at West Farms Mall, 1500 New Britain Avenue, West Hartford and 500 South Road, Farmington, Connecticut. DEEP offers the following comments for your consideration.

By way of background, DEEP hosted a public meeting on July 9, 2018 in the Gina McCarthy Auditorium, DEEP Headquarters, 79 Elm Street, Hartford to demonstrate the DEEP Forestland Habitat Impact Map. This meeting was also broadcast as a Core Forest Screening Tool Webinar. Using DEEP's Forestland Habitat Impact Map, DEEP was able to create a map (attached) of the general vicinity of West Farms Mall, the proposed location of the 2.019 megawatt AC solar photovoltaic electric generating facility at issue in the petition. After comparing the attached map to the application presented to the Siting Council by Safari Energy, LLC, as agent for West Farms Mall, LLC DEEP offers the following analysis.

According to Public Act 17-218ⁱ, “. . . (iii) for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, excluding any such facility that was selected by the Department of Energy and Environmental Protection in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the Department of Agriculture represents, in writing, to the council that such project will not materially affect the status of such land as prime farmland or the Department of Energy and Environmental Protection represents, in writing, to the council that such project will not materially affect the status of such land as core forest.”

Petition 1348 is not a proposed “. . . facility that was selected by the Department of Energy and Environmental Protection in any solicitation issued prior to July 1, 2017, pursuant to section 16a-

3f, 16a-3g or 16a-3j..." Therefore, in order for this project (that has a capacity of two or more megawatts) to move forward through the declaratory ruling process, it requires a writing from DEEP "that such project will not materially affect the status of such land as core forest." In addition, a writing is required from the Department of Agriculture to ensure that "such project will not materially affect the status of such land as prime farmland." For this project to move forward writings from both DEEP and the Department of Agriculture are required. Based upon DEEP's review of Petition 1348, and provided any Siting Council approval is substantially similar to this application, DEEP represents that this project will not materially affect the status of such land as core forest.

In addition, according to the project narrative, "The Facility is a renewable energy generation facility that will use solar photovoltaic modules to convert solar radiation to electricity. The Facility will be comprised of solar arrays located on the roof of the mall building and a solar canopy system located on the existing parking lot in the southwest corner of the existing paved parking lot. The roof system will consist of 1,684 solar modules totaling 519.5 kW (AC) and the solar canopy system will consist of 5,108 solar modules totaling 1.5 MW (AC). The Facility, with the roof and canopy systems combined, totals 2.019 MW (AC)." The fact that this project is proposing to use rooftops and a solar canopy system located on an existing parking lot—rather than siting these solar facilities on core forests or prime farmland—is to be applauded. DEEP appreciates the way this applicant has designed this project to avoid negative impacts to the landscape as it develops a renewable energy facility.

Thank you for the opportunity to review this project. If there are any questions regarding these comments, please contact me at 860-424-3631 or Christopher.Martin@ct.gov if there are any questions.

Respectfully yours,



Christopher Martin
Director of Forestry Division

Attachment: (1)

AN ACT CONCERNING THE INSTALLATION OF CERTAIN SOLAR FACILITIES ON PRODUCTIVE FARMLANDS, INCENTIVES FOR THE USE OF ANAEROBIC DIGESTERS BY AGRICULTURAL CUSTOMER HOSTS, APPLICATIONS CONCERNING THE USE OF KELP IN CERTAIN BIOFUELS AND THE PERMITTING OF WASTE CONVERSION FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

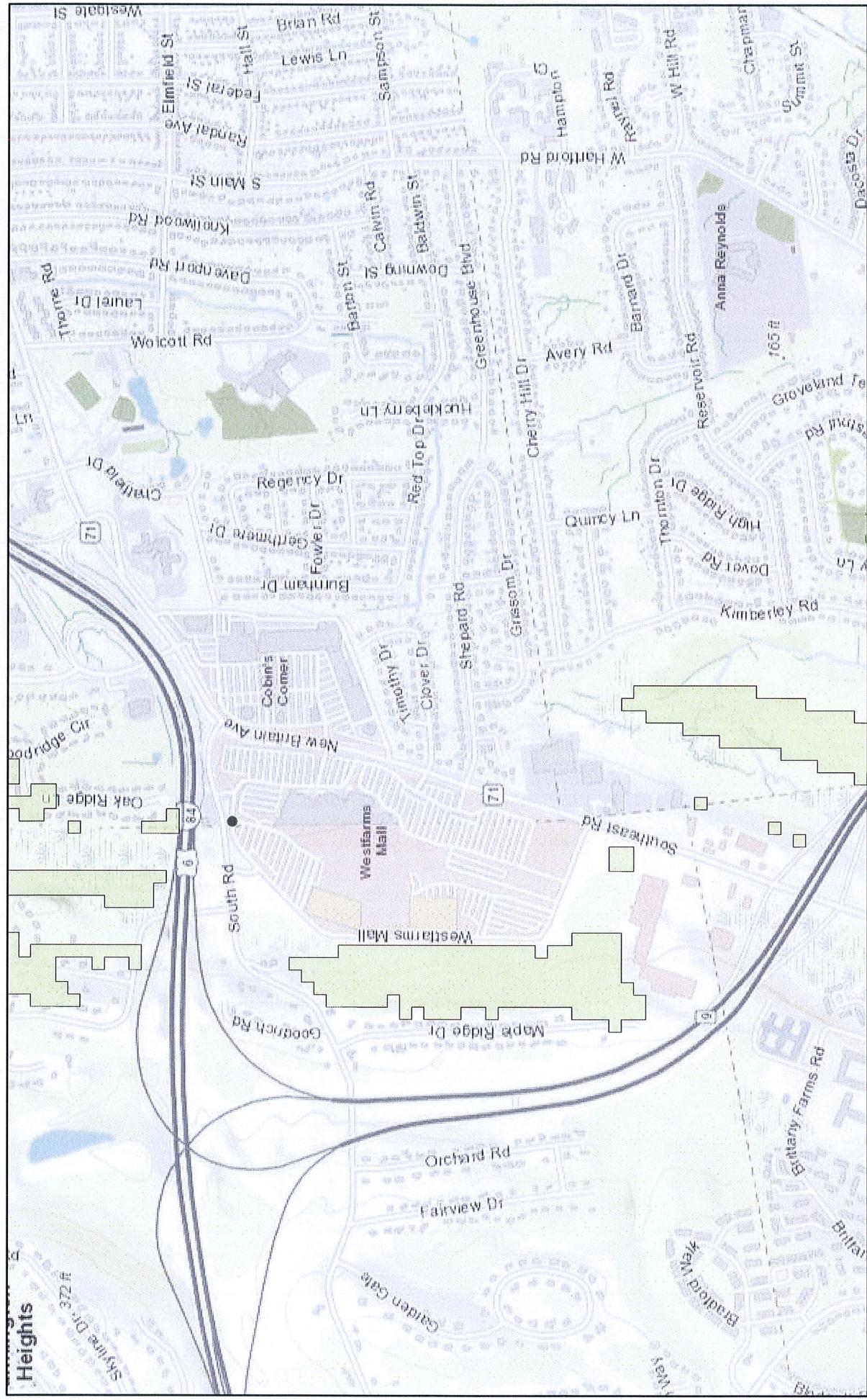
Section 1. (NEW) (*Effective July 1, 2017*) For purposes of sections 1 and 2 of this act and section 16-50k of the general statutes, as amended by this act: (1) "Core forest" means unfragmented forest land that is three hundred feet or greater from the boundary between forest land and nonforest land, as determined by the Commissioner of Energy and Environmental Protection; and (2) "prime farmland" means land that meets the criteria for prime farmland as described in 7 CFR 657, as amended from time to time.

Sec. 2. (NEW) (*Effective July 1, 2017*) In any solicitation issued under section 16a-3f, 16a-3g, 16a-3h or 16a-3j of the general statutes, as amended by this act, after July 1, 2017, the Commissioner of Energy and Environmental Protection shall consider the environmental impacts of any proposal located in the state that is received in response to such solicitation, including, but not limited to, the impacts to prime farmland and core forests and the reuse of sites with limited development opportunities such as brownfields and landfills, as identified by the commissioner.

Sec. 3. Subsection (a) of section 16-50k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) Except as provided in subsection (b) of section 16-50z, no person shall exercise any right of eminent domain in contemplation of, commence the preparation of the site for, commence the construction or supplying of a facility, or commence any modification of a facility, that may, as determined by the council, have a substantial adverse environmental effect in the state without having first obtained a certificate of environmental compatibility and public need, hereinafter referred to as a "certificate", issued with respect to such facility or modification by the council. Certificates shall not be required for (1) fuel cells built within the state with a generating capacity of two hundred fifty kilowatts or less, or (2) fuel cells built out of state with a generating capacity of ten kilowatts or less. Any facility with respect to which a certificate is required shall thereafter be built, maintained and operated in conformity with such certificate and any terms, limitations or conditions contained therein. Notwithstanding the provisions of this chapter or title 16a, the council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling (A) the construction of a facility solely for the purpose of generating electricity, other than an electric generating facility that uses nuclear materials or coal as fuel, at a site where an electric generating facility operated prior to July 1, 2004, and (B) the construction or location of any fuel cell, unless the council finds a substantial adverse environmental effect, or 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: [such] (i) Such project meets air and water quality standards of the Department of Energy and Environmental Protection, (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, excluding any such facility that was selected by the Department of Energy and Environmental Protection in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the Department of Agriculture represents, in writing, to the council that such project will not materially affect the status of such land as prime farmland or the Department of Energy and Environmental Protection represents, in writing, to the council that such project will not materially affect the status of such land as core forest. In conducting an evaluation of a project for purposes of subparagraph (B)(iii) of this subsection, the Departments of Agriculture and Energy and Environmental Protection may consult with the United States Department of Agriculture and soil and water conservation districts.

Forestland Habitat Impact Map - West Farms Mall



9/10/2018 8:18:31 AM

Forestland Habitat Impact

0 0.1 0.2 0.35 0.4 mi
0 0.17 0.35 0.7 km

Sources: Esri, HERE, Garmin, Intermapper, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Web AppBuilder for ArcGIS
DEEP Wildlife Division