



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

CERTIFIED MAIL RETURN RECEIPT REQUESTED

November 22, 2019

Carrie Larson Ortolano, Esq.
Associate General Counsel
Lodestar Energy, LLC
40 Tower Lane, Suite 145
Avon, CT 06001

RE: **PETITION NO. 1380** – LSE Delphinus, 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 1.992-megawatt AC solar photovoltaic electric generating facility on approximately 9.86 acres located generally east of Powder Hill Road north of the intersection with Monroe Road and Abbe Road in Enfield, Connecticut and associated electrical interconnection.

Dear Attorney Ortolano:

At a public meeting held on November 21, 2019, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal meets air and water quality standards of the Department of Energy and Environmental Protection and 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 following conditions:

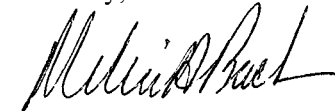
1. Approval of any minor project changes be delegated to Council Staff;
2. Submit a copy of the DEEP-approved Stormwater Pollution Control Plan and a DEEP General Permit prior to the commencement of construction;
3. Unless otherwise approved by the Council, if the facility authorized herein is not fully 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;
4. 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 Enfield;
5. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;

6. 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;
7. 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
8. 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 September 12, 2019 and additional information dated October 25, 2019.

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

Sincerely,



Melanie A. Bachman
Executive Director

MAB/RDM/emr

Enclosure: Staff Report dated November 20, 2019

- c: Jeffrey J. Macel, Principal, Lodestar Energy, LLC
The Honorable Michael Ludwick, Mayor, Town of Enfield
Christopher W. Bromson, Town Manager, Town of Enfield
Raquel Ocasio, Assistant Town Planner, Town of Enfield



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Petition No. 1380 LSE Delphinus, LLC - Enfield

**Staff Report
November 21, 2019**

Introduction

On September 12, 2019, LSE Delphinus, LLC (Lodestar) submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k for the construction, operation and maintenance of a 1.99-megawatt (MW) alternating current (AC) solar photovoltaic generating facility located generally east of Powder Hill Road north of the intersection with Monroe Road and Abbe Road in Enfield.

On October 2, 2019 a public field review of the proposed project was conducted at the site. The field review was attended by Council member Robert Hannon, Council staff members Robert Mercier and Ifeanyi Nwankwo; Lodestar representatives Carrie Ortolano, Esq, Jeff Macel, Esq., Kevin Midei, and Jay Ussery; Department of Energy and Environmental Protection representative Linda Brunza; and underlying property owner representative Mark Spazzarini.

On or about September 10, 2019, the Petitioner notified the Town of Enfield officials, state officials and agencies, the property owner and abutting property owners of the proposed project.

The Council issued interrogatories to Lodestar on October 4, 2019. Lodestar submitted responses to the interrogatories on October 25, 2019.

Pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act, which requires an administrative agency to take action on a petition within 60 days of receipt, on October 24, 2019, the Council voted to set the date by which to render a decision on the petition as March 10, 2020. March 10, 2020 is the statutorily-mandated 180-day decision deadline for this petition under CGS §4-176(i).

Municipal Consultation

Since 2018, Lodestar has collaborated with the Town of Enfield (Town) on an ongoing basis, meeting with the Town Manager and Assistant Town Manager, the Director of Development, the Director of Public Works, and the Director of Finance. Lodestar appeared before the Town Council on July 1, 2019. Lodestar hosted a public informational session on September 9, 2019 which was attended by seven area residents.

Lodestar is working with the Town to enter into a power purchase agreement whereby the Town will benefit from the energy produced by the Project through a virtual net metering (VNM) agreement. Pursuant to CGS §16-244u, the state's VNM program incentivizes the use of renewable energy by allowing municipalities and other end use customers to assign surplus energy production to other metered accounts. The VNM would enable the Town to purchase power from the Project at a significant discount, and pass those savings on to its taxpayers. Lodestar also intends to enter into a VNM agreement with the

Town of East Windsor, which abuts Enfield to the south. All of the power produced by the Project would be sold to Enfield and East Windsor.

On September 13, 2019, the Council sent correspondence to the Town stating that the Council has received the Petition and invited the Town to contact the Council with any questions or comments by October 12, 2019. The Council has not received any comments from the Town to date.

State Agency Comments

On September 13, 2019, the Council sent correspondence requesting comments on the proposed project from the following state agencies: Department of Energy and Environmental Protection (DEEP); Department of Agriculture (DOAg); Department of Public Health (DPH); Council on 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 Consumer Protection (DCP); 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).

On September 25 and October 11, 2019, the CEQ and DEEP submitted comments to the Council, respectively. Copies of the CEQ's and DEEP's comments are attached hereto. 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.¹

Public Act 17-218

Effective July 1, 2017, Public Act 17-218 requires, "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 DEEP in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the 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 land as core forest." The proposed facility has a generating capacity of 1.99 MW. Therefore, it is exempt from the provisions of Public Act 17-218.

Public Benefit

The project would be a distributed energy resource facility as defined in CGS § 16-1(a)(49). 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." On February 8, 2018, DEEP issued the 2018 Comprehensive Energy Strategy (2018 CES). Guided by the long-term vision of transitioning to a zero-carbon economy, the 2018 CES highlights eight key strategies to guide administrative and legislative action over the next several years. Specifically, strategy No. 3 is "Grow and sustain renewable and zero-carbon generation in the state and region." The proposed facility is distributed generation. Specifically, the proposed facility will contribute to fulfilling the State's Renewable Portfolio Standard as a zero emission Class I renewable energy source.

The Petitioner has contracts with The Connecticut Light and Power Company d/b/a Eversource Energy (Eversource) under the state's Low and Zero Emissions Renewable Energy Credit Programs (LREC/ZREC Program) to sell the renewable energy credits from the facility. The LREC/ZREC Program was developed as part of Public Act 11-80, "An Act Concerning the Establishment of the [DEEP] and

¹ *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007)

Planning for Connecticut's Energy Future." The LREC/ZREC Program is not among the competitive energy procurement programs that are exempt from Public Act 17-218.

The LREC/ZREC Program creates a market-driven bidding process for renewable energy projects ranging from rooftop solar panels to fuel cells to compete to obtain a 15-year revenue stream from the sale of renewable energy credits (RECs) to the electric utilities. It requires Eversource and the United Illuminating Company (UI) to procure Class I RECs under 15-year contracts with owners or developers of renewable energy projects in the state. The LREC/ZREC Program is designed to run for a six year period during which developers can sell electricity from qualifying projects of Class I RECs to the utilities at a fixed price for the life of the contract.

At the end of the LREC/ZREC Program, Eversource and UI are required to purchase \$1.02 billion of RECs directly from customers, site owners and/or developers of clean energy projects. Of that amount, \$300 million is to be spent on LRECs, and \$720 million is to be spent on ZRECs.

Proposed Site

The proposed facility would be located on a 24.42 acre parcel with frontage on Powder Hill Road in Enfield. The parcel, as well as surrounding land, is zoned residential R-88 (refer to Figure 1). The parcel abuts undeveloped land to the north, west and east. The Scantic River State Park abuts the site to the northeast. Residentially developed properties are located to the south. Approximately 75 percent of the parcel currently consists of an existing sand and gravel pit, with the remaining portions consisting of open and wooded areas. An existing 250-foot long paved driveway extends from Powder Hill Road into the property.

The parcel is owned by Powder Hill Sand & Gravel LLC and is used as a gravel and sand pit as well as a storage and staging site for the property owner's landscaping and road construction business'. The property owner would continue to use the southern portion of the site for gravel operations for one year after completion of site construction. Lodestar holds an option to lease the Site and may also purchase the entire Site from the property owner.

Proposed Project

The proposed project consists of 9.86-acre area that would include ground-mounted solar photovoltaic (PV) panels, utility pads for ground equipment and access roads (refer to Figure 3). Approximately 8,570 340 Watt PV panels would be installed on a pile-driven racking system, arranged in 41 rows with a 25 degree fixed tilt facing due south (solar field). The maximum height of the panels will be approximately 8 feet above ground level.

The solar panels have an efficiency rating of 19.8 percent. As the panels age, the efficiency of the solar panels would degrade by 0.3 to 0.5 percent per year. The panels are warrantied to produce 85 percent of their power rating for 25 years of operation. The Project has an anticipated capacity factor of 21.9 percent.

A 20-foot by 30-foot concrete pad would be installed in the southwest corner of the solar field for a transformer and switchgear. Lodestar also would install a 20-foot by 40-foot concrete pad adjacent to the transformer switchgear pad for the potential installation of a battery storage unit in the future. Lodestar does not have a timetable for deployment of an on-site battery.

The PV panels would be mounted on a driven post racking system and would be connected to twelve 166 kW string inverters. The racking system would be supported by posts that would be driven into the ground using a specialized post drilling machine. An application test was used to determine if driven posts can be utilized at the site. In the unlikely event a ledge is encountered, it would be removed by a ledge chipper to install the post.

Wiring from the modules to the string inverters would be installed beneath the modules using National Electric Code USE-2 wire that features a thick insulation jacket to prevent against exposure and animal intrusion. The power output from the string inverters would feed into the transformer to raise the voltage to the level of Eversource's existing electric distribution system.

A 15-foot wide, 1,060-foot long gravel access drive would extend along the west side of solar rows, ending at a hammerhead turnaround area. Access to the solar field would be controlled by a locked, 12-foot wide vehicle access gate.

The solar field, electrical pads and internal access drive would be enclosed by a seven-foot high chain-link fence set on concrete piers. The nearest residence to the proposed solar field fence is approximately 400 feet to the south at 21 Powder Hill Road.

A new 200-foot long, 15-foot wide gravel drive would be constructed immediately east of the existing driveway into the property, extending to the solar field gate. The existing driveway cannot be used to access the proposed Project because a property survey determined the existing driveway entrance apron is partially located on an abutting property. A 100-foot section of the existing, paved access drive extending into the site from Powder Hill Road, including the portion located on the abutting property, would be removed and the area reseeded.

A cement truck washout area would be located near the proposed concrete pads at the southwest corner of the Site with the final location to be field determined by the construction contractor.

Prior gravel removal activities at the Project site have created a relatively flat area suitable for the installation of the solar field without the need for re-grading. Earthwork would be limited to the removal of the existing paved drive, the construction of the new gravel access drive, filling of any of stump holes within the solar field area, and the application of four inches of topsoil in disturbed and bare soil areas to promote seed growth.

Lodestar has an interconnection services agreement with Eversource. Eversource would install 3 utility poles along the access driveway to facilitate utility interconnection from the site to the existing 23 kV overhead circuit that runs along Powder Hill Road. Lodestar would install a riser pole inside the solar field fence and a 180-foot underground line from the riser pole to the pad-mounted switchgear.

The Project construction period is estimated to take approximately four to six months once all required permits are obtained. Lodestar anticipates commencing construction in the first quarter of 2020. Construction is expected to occur Monday through Saturday from 7:00 a.m. to 5:00 p.m.

Public Safety

The proposed project would comply with the National Electric Code, National Electric Safety Code and National Fire Protection Association Codes and Standards, as applicable. The proposed project would include an internal protection system to isolate the system from the distribution circuit upon a fault condition. A pole-mounted recloser would provide additional protection.

Daily monitoring would be conducted via an internet-based data acquisition system (DAS), which would have the capability of detecting weather, equipment operation and safety concerns related to grid outages or faults.

Lodestar would offer training to first responders prior to the Project becoming operational. Emergency site access would also be discussed with first responders. Lodestar has prepared an Operations and Maintenance Plan for the Project that includes emergency shut off and facility de-energization procedures.

The nearest airport to the proposed facility is the Skylark Airpark in East Windsor, approximately 3.4 miles to the southwest. The Federal Aviation Administration (FAA) issued a Determination of No Hazard to Air Navigation for the proposed project.

Environmental Effects and Mitigation Measures

Historic and Recreational Resources

The State Historic Preservation Office (SHPO) reviewed the Project for potential effects to historic properties and archaeological sites. SHPO determined that since the project is located in a former gravel pit, there would be no adverse effects to historic properties or archaeological resources.

Visibility

There would be some limited views of small portions of the proposed project from Powder Hill Road, but otherwise, the proposed project is set back and slightly uphill from the road. The residence at 21 Powder Hill Road, located directly across the street from the site entrance, may have leaf-off views of the site. An existing earthen berm planted with a row of evergreens would remain and would screen the electrical pads and portions of the solar field from this residence. Given the site's location a bowl-shaped area, as well as existing mature vegetation that would remain along the perimeter of most of the property line, visibility from adjacent areas, would be limited.

Agriculture

Mapping by the National Resource Conservation Service indicates prime farmland is located in a 0.33 acre area in the northeast corner of the site. All soil in this area was removed from historic gravel extraction activities, and it is unlikely any prime farmland soils remain.

Wetlands

A small isolated wetland associated with a groundwater seep is located in a wooded area at the southern end of the site property. Construction of the solar facility would maintain a minimum 100-foot buffer to this wetland. The site development area is not within the watershed of this wetland, and therefore, no significant adverse effect of this resource is expected. No other wetlands, watercourses or vernal pools were identified on the site property.

The Site is not within a Federal Emergency Management Agency-designated 100-year zone.

Wildlife

On July 30, 2019 Lodestar submitted a Natural Diversity Database (NDDDB) review request to DEEP. On September 5, 2019, DEEP responded to Lodestar with a preliminary review indicating that 17 NDDDB species occur within or close to the boundaries of the site property, and requested further on-site studies or protection plans for each species if on-site studies were not performed. The NDDDB list included four beetles, two mussels, two fish, two turtles, two birds, one toad, and four plants. In addition, DEEP identified two listed terrestrial communities, floodplain forest habitat and Sand Barren Critical Habitat, that may occur on or adjacent to the site.

In response to DEEP's letter, Lodestar performed a habitat analysis to determine if the Project site could support the 17 listed species and two terrestrial communities. Current land use and habitats includes approximately 9 acres of road demolition material and topsoil stockpiles on the southern one-third of the parcel, approximately 8 acres of un-vegetated or sparsely vegetated soil areas, and approximately 8 acres of old field areas and white pine dominated woodland (refer to Figure 3).

No suitable habitat was identified within the Project area for the listed species except along the proposed access road location where a small sand and gravel area could support a listed plant. To prevent impacts to this area, Lodestar shifted the location of the proposed access road slightly to the north to avoid this area.

Due to past gravel extraction disturbance at the site property, the Project area contains unsuitable habitat for the remaining listed-species. However, the periphery of the Project area, which would remain undisturbed, does contain suitable habitat that could support the four listed beetles, a second plant species, and the two turtle species.

Although the Project site contains suboptimal habitat for the two listed turtle species (wood turtle, box turtle), the turtles may traverse the Project area in search of optimal nesting locations. To reduce potential impacts to migrating turtles, Lodestar would implement a turtle protection program during site construction during the breeding season of May through June. The protective procedures include isolation barriers, contractor education, turtle relocation measures, and reporting. Once the site is operational, maintenance of the shrub area outside of the solar field fence should occur at five year intervals and be performed during the November to March timeframe.

Lodestar would seed disturbed areas with a pollinator mix to promote wildlife use. The periphery solar field areas, outside of the fence, would be maintained in a shrub state. The fence would have an eight inch gap at the bottom to accommodate small wildlife movement.

Forest and Parks

The work will include minimal clearing and grubbing. Approximately 1.2 acres of shrubs and trees would be removed to develop the site. Most of the tree clearing would occur along the west side of the Project site to reduce shading. Stumps in the area outside of the solar field fence would remain. The site is not within a core forest area.

The Scantic River State Park abuts the site to the northeast for a distance of approximately 50 feet. The park consists of a series of unblazed walking paths with the main path located adjacent to the Scantic River, approximately 520 feet to the northeast. The Project site is not visible from the main walking path extending along the river. An unblazed walking path does come within 20-30 feet of the property boundary where the Project is likely to be visible through the trees during leaf-off conditions.

Air Quality

The proposed project would comply with air regulations. It would not produce air emissions of regulated air pollutants or greenhouse gases during operation.

Noise

During site operation, the only equipment that would emit noise is the inverters located on the equipment pads at the south end of the facility. This equipment is approximately 160 feet east of the nearest property boundary, and the noise levels emitted from the inverters would be 31.7 dBA at the property line, well below the 55 dBA limit from commercial emitters to residential receptors established in DEEP's Noise Control Regulations.

Construction-related noise would be short-term and localized to the work area and is exempt per DEEP noise regulations.

Water Quality

The proposed project is within an aquifer protection area but construction and operation of the Project would have no effect on the aquifer. Operation of the Project does not involve the withdrawal or discharge of water or on-site storage or use of oil or hazardous materials. Pesticides or herbicides would not be used at the site.

Rainfall would keep the panel surface relatively clean of dust, debris and snow. A formal, periodic cleaning plan is not anticipated and any cleaning would be performed on an as needed basis without the use of chemical agents.

A Phase I Environmental Site Assessment was performed at the site to assess existing site conditions and to identify potential sources of environmental contamination. No environmental concerns were identified and no further investigation is recommended.

Stormwater

Pursuant to CGS Section 22a-430b, DEEP retains final jurisdiction over stormwater management and administers permit programs to regulate stormwater pollution. DEEP regulations and guidelines set forth standards for erosion and sedimentation control, stormwater pollution control and best engineering practices.^[2] 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 to prevent the movement of sediments off construction sites into nearby water bodies and to address the impacts of stormwater discharges from a project after construction is complete. The General Permit authorizes the discharge of stormwater at a site with a total disturbance of one or more acres of land area. A General Permit for stormwater management is required prior to commencement of construction.

Although initially Lodestar did not believe a General Permit would be required to develop the site due to existing site conditions and the minimal ground disturbance required to construct the site, subsequent conversations with DEEP have indicated a General Permit would be required for the Project. Lodestar intends to meet with DEEP prior to submitting an application for a General Permit. To protect water

^[2] General Permit, DEEP-WPED-GP-015 (October 1, 2019), available at https://www.ct.gov/deep/lib/deep/permits_and_licenses/water_discharge_general_permits/storm_const_gp.pdf

quality downgradient of construction areas, the General Permit requires the establishment of erosion and sedimentation control consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control*.

Decommissioning Plan

The useful life of the facility is approximately 30 years. A Decommissioning Plan was included in the Petition and has provisions for project equipment removal after the Project's useful life. The Project transformer contains an environmentally safe mineral oil which would be contained and recycled separately from other site equipment. Following the removal of project related equipment and site fencing; the site area would be restored to pre-construction conditions, including the removal of the gravel access drive, backfilling of excavated areas and de-compaction of soils, where necessary, to promote new vegetative cover.

Conclusion

The Project site meets several criteria that DEEP has identified as suitable for a solar facility, including but not limited to, the use of a previously disturbed site, no wetlands within the project development area, minimal site grading, no impacts to NDDB species, and favorable topography which allows for no off-site drainage.

The project is a grid-side distributed resource with a capacity of not more than sixty-five megawatts, meets air and water quality standards of the DEEP, and would not have a substantial adverse environmental effect. 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. Furthermore, the project was selected under the state's LREC/ZREC Program and would further the state's VNM program.

Recommendations

Staff recommends inclusion of the following conditions:

1. Approval of any minor project changes be delegated to Council Staff; and
2. Submit a copy of the DEEP-approved Stormwater Pollution Control Plan and a DEEP General Permit prior to the commencement of construction.

Figure 1- Site Location

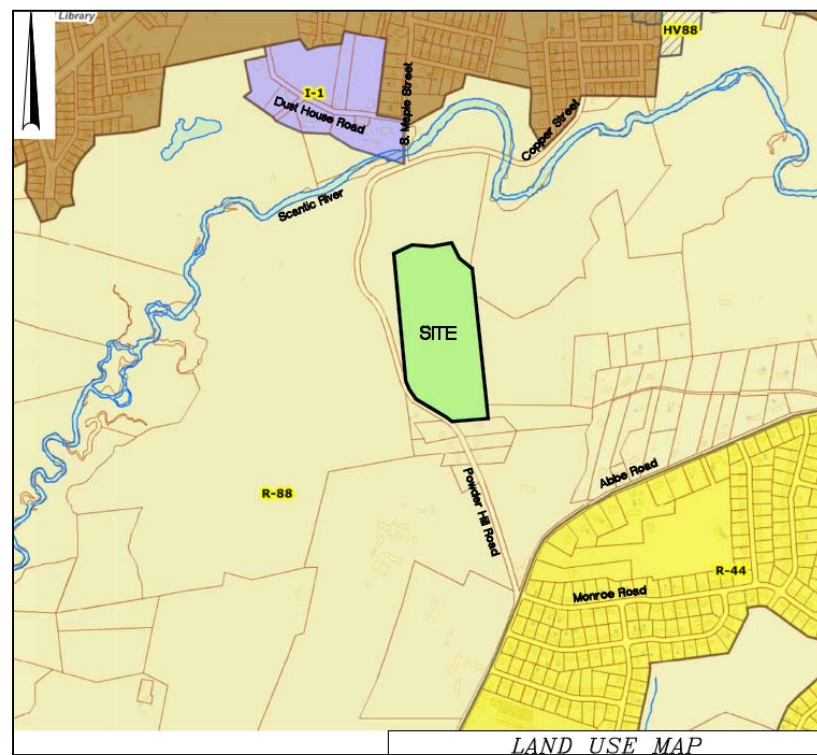
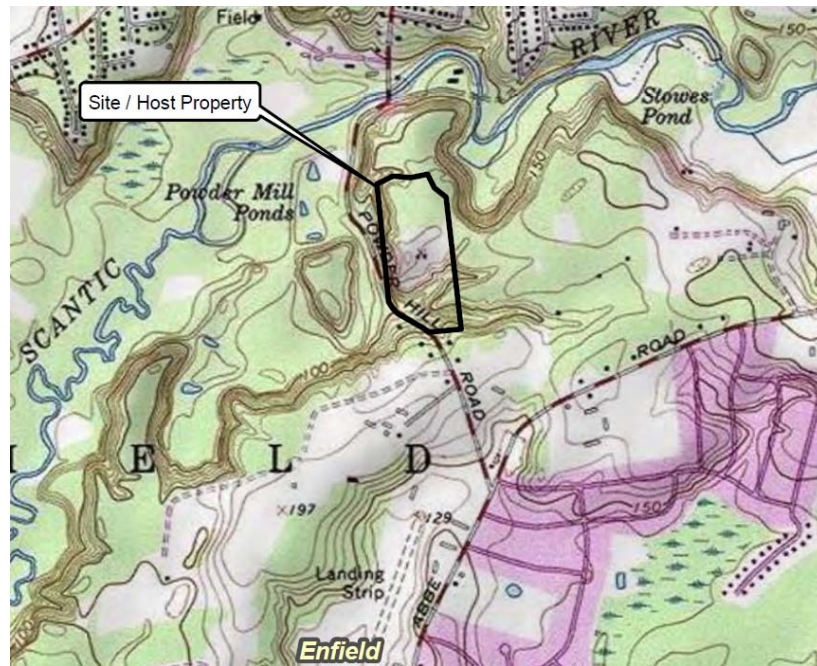
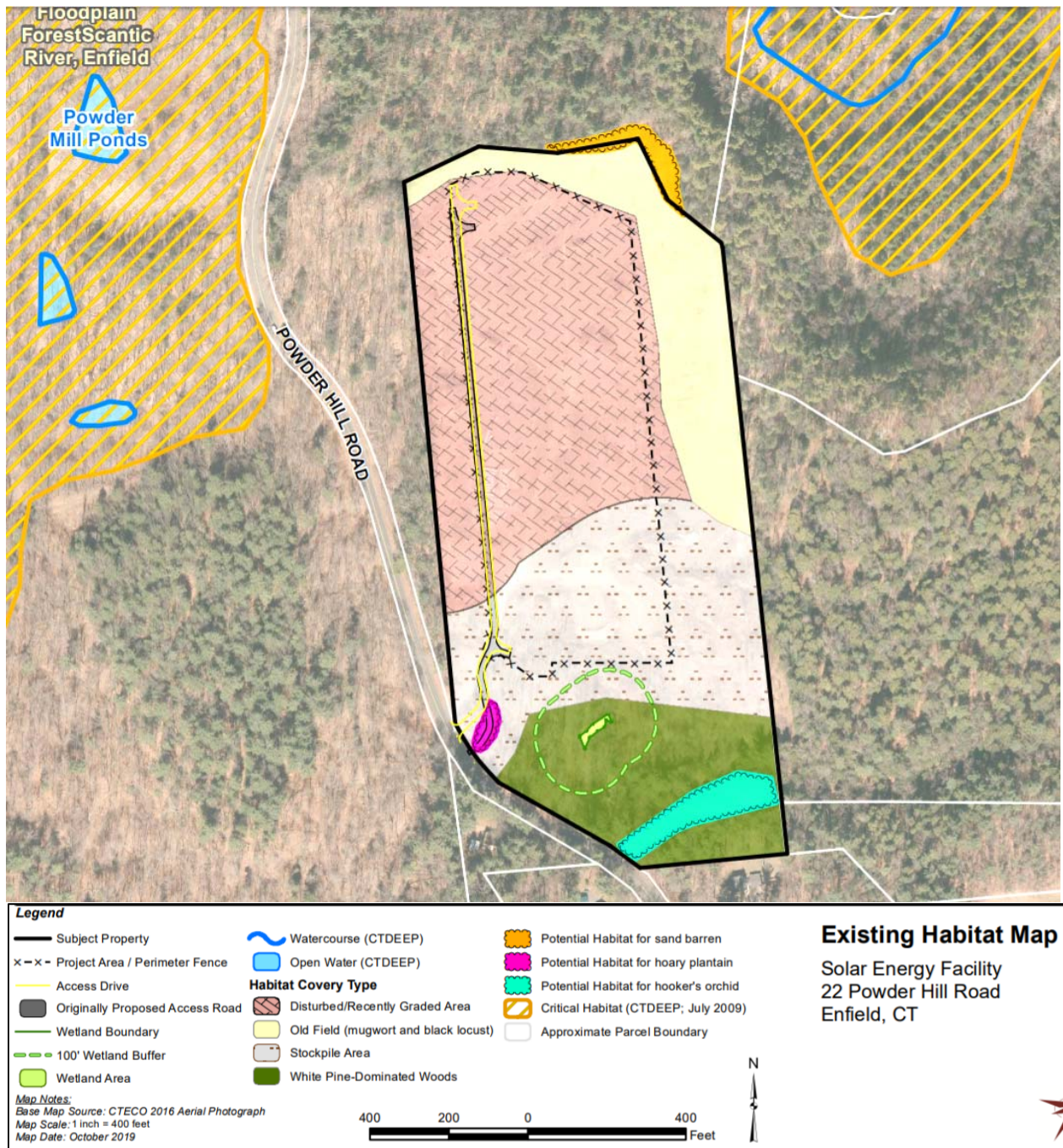


Figure 2 - Proposed Site Layout



Figure 3 – Existing Site Habitats



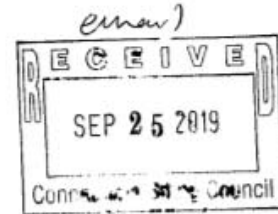
ATTACHMENT A

CEQ Comments to Council, dated September 25, 2019



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY



Susan D. Merrow
Chair

Keith Ainsworth

Alicea Charamut

David Kalafa

Lee E. Dunbar

Alison Hilding

Kip Kolesinskas

Matthew Reiser

Charles Vidich

Peter Hearn
Executive Director

September 25, 2019

Melanie Bachman, Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: PETITION NO. 1380 – Petition of LSE Delphinus LLC (“Lodestar Energy”) for a Declaratory Ruling That No Certificate of Environmental Compatibility and Public Need is Required for the Construction, Operation, and Maintenance of a 1.992 MW AC Solar Photovoltaic Facility in Enfield, Connecticut.

Dear Ms. Bachman:

The Council on Environmental Quality (“the Council”) has reviewed the Petition for Declaratory Ruling noted above and offers the following comments for consideration by the Connecticut Siting Council.

1. State Listed Species

Preliminary indications from The Natural Diversity Data Base (NDDB) of the Department of Energy and Environmental Protection (DEEP) show the possibility of State Listed Species on the site. The NDDB Preliminary Assessment for Powder Hill Road Solar Located at 22 Powder Hill Road in Enfield (Assessment No.: 201908914) indicated that “there are known extant populations of State Listed Species known that occur within or close to the boundaries of this property”.

Further, the letter (September 5, 2019) indicated that in order to “prevent impacts to State-listed species, field surveys of the site should be performed by a qualified biologist when these target species are identifiable”. Deferral of a decision regarding the proposed project would be appropriate until the Petitioner is able to complete a field survey for State-listed species and, if needed, identify the appropriate mitigations for the site.

2. Visibility

Information in the Petition warrants a review of the claim in the Petition that “there will be no visual impact of the Project to the surrounding area”.

The Petitioner states that the “Project is located approximately one hundred (100)

feet east of Powder Hill Road and is separated from Powder Hill Road by a row of large-growth trees with canopy heights of approximately fifty (50) to seventy (70) feet, none of which are proposed to be removed as part of the Project." The site plan found in Exhibit 2, sheet 4 of 6 depicts a revised tree line between Powder Hill Road and the proposed project that includes the removal of vegetation. In consideration of this revision, confirmation regarding the true extent of tree clearing and the possible effect on the actual visibility of the project is recommended.

Similarly, the Petition states that "within one (1) year of the completion of construction of the Project, it is the Site Owner's intent to terminate any gravel operations at the Site". Presumably, gravel operations will continue in the interim on the 14.56 acres remaining on the site. This raises the question of how the new landscape will affect the visibility of the solar panels from outside the site.

Thank you for your consideration of these comments. Please do not hesitate to contact the Council if you have any questions.


Sincerely,

A handwritten signature in cursive script, appearing to read "Peter Hearn", with a long horizontal flourish extending to the right.

Peter Hearn
Executive Director

ATTACHMENT B

DEEP Comments to Council, dated October 11, 2019

		
79 Elm Street • Hartford, CT 06106-5127		
www.ct.gov/deep		Affirmative Action/Equal Opportunity Employer
October 11, 2019		
Connecticut Siting Council 10 Franklin Square New Britain, Connecticut 06051		
RE: 1.922 MW Solar Photovoltaic Facility LSE Delphinus LLC (Lodestar Energy LLC) Enfield, Connecticut Petition No. 1380		
Dear Members of the Connecticut Siting Council:		
<p>Staff of the Department of Energy and Environmental Protection (DEEP) reviewed the above referenced petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need will be required for the proposed construction, maintenance, and operation of a 1.922 MW AC solar photovoltaic electric generation facility. This project was submitted into the statewide competitive LREC/ ZREC solicitation and granted an award from Eversource on December 29, 2017. This location fits several criteria that DEEP has identified for solar production: re-use of a disturbed site, not located within a known Natural Diversity Database Area, no wetlands within the project footprint, minimal grading needed, and the manufactured topography of the site allows for no offsite drainage. The following comments regarding these measures are offered to the Connecticut Siting Council.</p>		
Site Location		
<p>A field review of the site was conducted on October 2, 2019. The project is located on a 24.42-acre parcel off Long Hollow Road and Powder Hill Road in Enfield. The parcel is currently owned and utilized by Powder Hill Sand and Gravel LLC., which will cease operations in that area after construction begins. The project will develop approximately 9.86 acres, which includes solar panels and associated equipment, and access roadways. An evaluation by staff using the Wildlife Division's guidance and habitat tool shows that this location is not in a Natural Diversity Database Area, and is not supporting of core forest habitat. The site is not in an aquifer protection area. One wetland area was identified on the southern end of the site, and a 100-foot buffer was maintained between the wetland and project disturbance. The 10 acres that will be utilized for a solar farm are not in the watershed of this wetland.</p>		
Activities		
<p>A small number of trees will be removed and grubbed around the perimeter of the site and for the new driveway, which is adjacent to the existing driveway. No additional grubbing or grading will take place on the site. The applicant is proposing to add 4 inches of topsoil over the existing base, which is primarily soils categorized as well and moderately draining.</p>		
Stormwater		
<p>Due to the manufactured topography of the site, stormwater drains to two low spots and infiltrates through the miscellaneous Udorthents-Pits soils. This soil classification is used for areas of sand and gravel mining operations that were active during the field survey of the area. These pits have steep sides and a level floor. Generally, gravel pit areas are permeable, unsuitable for agriculture, are variable in depth to water table and depth to bedrock, and typically do not consist of hydric (wetland) soils. The applicant calculated pre and post development runoff using three points of drainage for the site, a 10-acre area, 3-acre area and the site entrance area at 0.77 acres. The existing drainage pattern has been</p>		

preserved in post-development because there is no grading, clearing, grubbing or excavation proposed. Post Development peak flow rates at each of the three design points were lower than the pre-development rates because the bare soils will be covered with topsoil and seeded as grassland in post-development. The existing paved driveway will be removed, graded and seeded. The new driveway will be gravel to allow infiltration. Construction of driveway area will disturb about 0.25 acres.

The Petitioner will need to register for DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. Locally Exempt construction projects disturbing over one acre must submit a registration form and Stormwater Pollution Control Plan to DEEP. DEEP considers the installation of the posts for a racking system as disturbance. The petition states that a Stormwater Pollution Control Plan is in place. The applicant should confer with the Director of Water Permitting and Enforcement in the Bureau of Material and Management & Compliance Assurance, Oswald Inglese, to discuss the need for permitting without a discharge to surface waters.

The Siting Council should note that the General Permit for the Discharge of Stormwater had been set to expire and was extended without modifications for another year, effective October 1, 2019 and expires September 30, 2020; no renewal registration will be required.

This general permit authorizes the discharge of stormwater and dewatering wastewaters to surface waters from construction activities on a site, as defined in this general permit, with a total disturbance of one or more acres of land area on a site, regardless of project phasing.

Natural Diversity Database

A preliminary review dated September 5, 2019 includes a list of species of concern. The site itself is not in a known Natural Diversity Database Area. From the site visit, it is a disturbed site where any topsoil has been removed long ago. Some of the species on the list could be found in the Scantic River, which is over 600 feet away from the site. The species list is not intended to be site specific, but species of concern have been noted in the Town of Enfield. More discussion may be required to determine if species surveys should be conducted or if it is possible to rule out the presence of species due to the current condition of the site.

Mitigation

The petitioner states the project will cover what is currently bare land with 4" of topsoil and plant pollinator seed mixes. The application discussed the possibility of working with beekeepers to utilize the land after the solar field is developed. Currently the site has large piles of sand, gravel, stone, reclaimed millings, and equipment. After construction, the site will be seeded as a grassland and low vegetation will be maintained.

Due to the long-term use of this site as a sand and gravel operation, and the bowl-shaped topography created in the process, this site will not impact the wetland outside of the project or waterbodies offsite. Air quality is not a concern for this project. Thank you for the opportunity to review this petition and to submit these comments to the Siting Council. Should you, other Council members or Council staff have any questions, please contact me at Linda.Brunza@ct.gov or by telephone at 860-424-3739.

Sincerely,



Linda Brunza
Environmental Analyst II

CC:
Katie Dykes, Commissioner