PETITION NO. 1347A - GRE GACRUX 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 16.78-megawatt AC solar photovoltaic electric generating facility located at 117 Oil Mill Road and associated electrical interconnection to Eversource Energy's existing substation at 325 Waterford Parkway North in Waterford, Connecticut. Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).	}	Connecticut Siting Council November 5, 2020

Opinion

Introduction

On June 20, 2018, GRE GACRUX LLC (GRE or Petitioner) submitted a petition to the Connecticut Siting Council (Council), pursuant to Connecticut General Statutes (CGS) §16-50k and §4-176, for a declaratory ruling for the construction, maintenance, and operation of a 16.78-megawatt AC solar photovoltaic electric generating facility located at 117 Oil Mill Road in Waterford and an associated electrical interconnection to Eversource Energy's existing substation at 325 Waterford Parkway North in Waterford (Petition 1347).

In addition to the Petitioner, one party, the Town of Waterford (Town) and one intervenor, Save the River, Save the Hills, Inc. (STRSTH), participated in the original Petition 1347 proceeding.

At a public meeting held on October 25, 2018 the Council voted to deny Petition 1347 without prejudice on the bases of Department of Energy and Environmental Protection (DEEP) concerns regarding a recommended site wildlife survey, potential impacts to water quality and insufficient geotechnical studies to determine the functionality of stormwater control features. On November 6, 2018, GRE filed a Petition for Reconsideration with the Council pursuant to CGS §4-181a. At a public meeting held on December 6, 2018, the Council voted to deny GRE's Petition for Reconsideration, reaffirming its decision of October 25, 2018.

Jurisdiction

As it applies to this petition, CGS §16-50k[1] states in relevant part, "…the Council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling… (B) the construction or location… of any grid-side distributed resources project… with a capacity of not more than sixty-five megawatts, as long as such project meets air and water quality standards of the Department of Energy and Environmental Protection and the Council does not find a substantial adverse environmental effect…" The project is a "grid-side distributed resources" facility, as defined in CGS §16-1(a)(37), and as originally proposed, it had a capacity of approximately 16.78 MW.

On March 9, 2016, pursuant to Section 1(b) and 1(c) of Public Act (PA) 15-107, DEEP issued notice for a Request For Proposals (RFP) for Class I renewable energy sources with a nameplate capacity rating of more than 2 MW and less than 20 MW (Small Scale RFP). On June 27, 2017, DEEP issued its final determination in the Small Scale RFP and selected 25 out of 107 proposed projects to enter into long-term power purchase agreements (PPAs) with the electric distribution companies for a combination of energy and environmental attributes. The proposed Project is one of the 25 projects selected. GRE entered into power purchase

[1] The project was selected by DEEP in a solicitation before July 1, 2017; thus, the project is expressly exempt from the requirement set forth in CGS §16-50k(a) regarding written representation from DEEP that the project will not materially affect core forest or written representation from DOAg that the project will not materially affect prime farmland.

agreements (PPAs) with the following Connecticut utilities: The Connecticut Light and Power Company d/b/a Eversource Energy (Eversource) and The United Illuminating Company (UI) for the sale of electricity and renewable energy credits.

Changed Conditions

On January 23 2020, pursuant to CGS §4-181a(b), GRE filed a Motion to Reopen and Modify (Motion to Reopen) the Council's decision to deny without prejudice Petition 1347 based on changed conditions. In its Motion to Reopen, GRE noted several changed conditions including, but not limited to, the following:

a) Reduction in the number of proposed PV modules from 55,692 panels (370 watts/panel) to 45,976 panels (400 watts /panel). The revision to the modules would reduce the Project nameplate from 16.78 MW AC to 15.3 MW AC;
b) Reduction in site clearing from 98 acres to 75 acres;
c) Re-design of the post-construction stormwater management control features to incorporate new DEEP guidance regarding the construction of solar facilities and comments from the DEEP Stormwater Program staff ;
d) Performed additional on-site geotechnical studies;
e) Incorporated site stabilization measures after site clearing and prior to solar array construction; and
f) Conducted additional wildlife surveys and consultations with DEEP's Natural Diversity Database (NDDB) program.

On January 24, 2020, the Council issued a memorandum to the service list for the original Petition 1347 proceeding requesting comments or statements of position in writing with respect to whether the Motion to Reopen should be granted or denied and whether a public hearing should be held on this request by February 14, 2020. On February 12, 2020, both STRSTH and the Town submitted comments and requested a public hearing if the Council reopens Petition 1347. At a public meeting held on February 27, 2020, the Council voted to grant GRE's Motion to Reopen and also voted to schedule a public hearing.

On March 14, 2020, Governor Lamont issued Executive Order (EO) 7B ordering suspension of in-person open meeting requirements of all public agencies under CGS §1-225. The Freedom of Information Act defines "meeting" in relevant part as "any hearing or other proceeding of a public agency."

Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a rescheduled remote public hearing on July 14, 2020, beginning with the evidentiary session at 1:00 p.m. and continuing with the public comment session at 6:30 p.m. via Zoom conferencing. During the remote public hearing, the Council granted STRSTH party status, pursuant to CGS § 16-50(n), and Connecticut Environmental Protection Act intervenor status, pursuant to CGS §22a-19. The Council continued the evidentiary hearing sessions via Zoom conferencing on August 4 and August 25, 2020.

In compliance with Governor Lamont's EO 7 prohibition of large gatherings, the Council's Hearing Notice did not refer to a public field review of the proposed site.[2] Field reviews are not an integral part of the public hearing process. The purpose of a site visit is an investigative tool to acquaint members of a reviewing commission with the subject property. In lieu of an in-person field review of the proposed site, the Council requested the Petitioner to submit photographic documentation of site-specific features into the record intended to serve as a "virtual" field review of the site. On June 11, 2020, the Petitioner submitted such information in response to the Council's second set of interrogatories.

[2] A public field review of the proposed site was held on July 25, 2018 for Petition 1347.

Public Benefit

Pursuant to CGS §16-50p, a public benefit exists when a facility is necessary for the reliability of the electric power supply of the state or for the development of a competitive market for electricity. PA 05-1, An Act Concerning Energy Independence, portions of which were codified in CGS §16-50k, established a rebuttable presumption that there is a public benefit for electric generating facilities selected in RFPs. The Project was selected in DEEP's Small Scale RFP.

Proposed Project

The modified proposed Project consists of the installation of a solar photovoltaic facility within an 88-acre leased area on an approximate 152-acre undeveloped residentially zoned parcel at 117 Oil Mill Road in Waterford. A timber harvest was performed on approximately 66 acres of the parcel in 2018, in accordance with a Town permit. The parcel has frontage on Oil Mill Road and an existing access drive extends east from Oil Mill Road into the interior of the parcel to a network of logging access roads and skidder roads. A 125-foot wide Eversource overhead electric transmission line right-of-way (ROW) crosses the northern portion of the parcel.

Abutting properties consist of single family residences to the west along Oil Mill Road, undeveloped industrially-zoned properties are to the east and south, and undeveloped residentially-zoned properties are to the north.

In general, the topography of the parcel is rolling to rugged with large bedrock outcroppings and shallow-to-bedrock soils. Site features include low wetland and watercourse areas, and steeper hilly areas, with the central portion of the parcel containing the highest topographic elevations. Site topography slopes downgradient from this central area in all directions to wetland systems and brooks.

Solar Facility

The Project includes approximately 45,976 fixed solar panels, rated at approximately 400 Watts each, equipment pads, access roads, and stormwater control structures. The proposed solar panels would be installed in linear arrays on racking systems facing south, set at a 25 degree angle. The panels would extend to an approximate height of 9.5 feet above grade and approximately 3 feet above the ground at the bottom edge. Inter-row spacing would be approximately 14.5 feet. The solar panels would be installed on a post-racking system with the posts driven into the ground to a depth of 6 to 12 feet and at a spacing interval of 12 feet off center.

Collection cables from the arrays would extend underground to nine concrete pad-mounted transformers. The Project would interconnect with Eversource's Waterford Parkway North Substation located at 325 Waterford Parkway North in Waterford, approximately 3,400 feet south of the existing site access road on Oil Mill Road. The interconnection would occur at 23-kV and would require the addition of utility runs mounted on 12 new utility poles.

The solar field would be enclosed by a 7-foot high chain link fence. The bottom of the fence would have a six-inch gap to allow for small wildlife passage.

Site access would use the existing dirt road extending east from Oil Mill Road. Once the existing access road reaches more interior portions of the parcel, a new network of 15-foot wide gravel access roads would

be developed for the facility that extend to each transformer pad and to access gates/turnarounds near each stormwater basin.

Project Alternatives

GRE investigated three sites in Waterford for submission into the state's RFP process but ultimately selected the proposed site. The other two sites were not pursued due to site control constraints and project economics. The proposed site is the only site GRE was able to secure that had both willing landowners and close proximity to existing electrical infrastructure.

Pursuant to CGS §16-50p(g), the Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for the purpose of siting a facility.[3]

Public Safety

The proposed project would comply with the National Electrical Code (NEC), the National Electrical Safety Code (NESC), and any applicable National Fire Protection Association (NFPA) codes and standards, including but not limited to NFPA Fire Code Section 11.12.3-Ground-Mounted Photovoltaic System Installations. The solar modules and racking system would be designed to meet the State Building Code for wind and snow loading.

The Project would be remotely monitored and feature remote shutdown capabilities. The solar facility would have a protection system to shut the facility down in the event of internal or external disturbances (e.g. faults) as well as during power outage events.

Prior to operation, GRE would meet with first responders from the Town to provide an orientation to the project and information regarding emergency response measures at the project site. Adequate access for fire and emergency service equipment would be provided via the proposed access roads.

The proposed project is not located within a Federal Emergency Management Agency designated 100-year or 500-year flood zone. The project would not require a Federal Aviation Administration glare analysis.

Noise generated during facility operations would comply with the DEEP Noise Control Standards. Noise resulting from proposed project construction is exempt from the DEEP Noise Control Standards.

Construction hours would be Monday through Saturday from 7 AM to 9 PM. Due to the amount of truck traffic necessary for the Project, the Council will require GRE to develop a traffic control plan in consultation with the Town, to be submitted as part of the Development and Management (D&M) Plan for the project. Additionally, the Council recommends that GRE consult with the Town regarding any potential improvements to Oil Mill Road.

The Project has an anticipated life of 35 years. Decommissioning of the project would include solar facility infrastructure removal and site restoration. Components would be disposed of or recycled in accordance with existing statutory or regulatory requirements. Excavated areas will be backfilled and disturbed areas seeded. The site would be allowed to revert to forest if no other development subsequently occurs. GRE has no control over how the landowner would use the site upon completion of decommissioning and termination of the lease.

[3] *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007); CGS §16-50p(g) (2019).

Environmental

Historic and Archaeological Resources

No historic or archeological sites listed on the National Register of Historic Places occur on the site property. Field surveys of the site found no areas with archaeological significance eligible for listing on the National Register of Historic Places. No additional site surveys or investigations were recommended by the State Historic Preservation Office.

Visibility

The Project is set back from Oil Mill Road by a quarter-mile and would be screened from much of the surrounding area due to existing development, topography, and intervening vegetation. The Project would not be visible from the residences in the Oil Mill Road area to the north and west. There are no nearby publicly accessible recreational resources that would have visibility of the Project.

Site clearing would maintain a 30-foot minimum buffer to all property lines except for an approximate 600-foot section of the northeast property line and a 250-foot section of the southwest property line. Upon completion of the project, GRE would evaluate site visibility and install plantings, if necessary. The Council will require that a final landscape planting plan, including pollinator-friendly species, be included in the D&M Plan.

Agriculture

The parcel is classified as woodland forest and was subject to a Town-permitted timbering operation on the site in 2018. Timbering is defined as an agricultural activity. The construction of the proposed Project would cause the land classification to be changed.

The property does not contain any prime farmland soils. GRE does not intend to use the project area as pasture for livestock.

Forest and Parks

Development of the Project would require the clearing of 75 acres of land, of which 45 acres were previously timbered. The existing forest on the property is part of an approximately 750-acre contiguous forest block composed of numerous private properties zoned for industrial and residential development. The forest block is generally located between I-395, I-95, Route 85 and Cross Road.

Contiguous forest blocks have been categorized by the UCONN Center for Land Use Education and Research (CLEAR) into three classes of core forest, as follows: small core forest consists of those forest patches that are smaller than 250 acres, medium core forest patches are between 250 and 500 acres, and large core forest patches are greater than 500 acres. Using CLEAR criteria, the existing 750-acre contiguous forest block is classified as a large core forest, providing enough suitable habitat to support a greater diversity of interior forest species than smaller forest blocks.

Development of the Project would result in the fragmentation of the 750-acre large forest block into small and medium sized forest blocks, located primarily on adjacent private property. The medium sized forest blocks can support populations of interior forest bird species.

There are no public parks located on or abutting the Site property. No publicly accessible recreational resources would be affected.

Wildlife

GRE performed a biological assessment of the site in the Spring of 2018, focusing on the 2015 Connecticut Wildlife Action Plan, which established a framework for proactively conserving Connecticut's fish and wildlife, including their habitats, especially for species of Greatest Conservation Need. The evaluation focused on those species most likely to be adversely impacted from a change in land use. Although the assessment was primarily habitat based, the assessment included field surveys for reptiles and amphibians, and bird observations. An eastern ribbon snake, a state species of special concern, was identified within the existing ROW on the western portion of the site during the survey.

Due to the forested nature of the site, the 2018 assessment recommended a site clearing timeframe between October 15th and March 1st, to prevent impacts to wildlife. The Council concurs with this recommendation and will order that site clearing performed as part of the Pre-Construction Site Protection Sequence occur between October 15 and March 1; however, if site clearing cannot be accomplished within this timeframe, detailed alternative procedures that will be protective of wildlife must be submitted.

Natural Diversity Database Review

On July 5, 2019, DEEP issued a preliminary Natural Diversity Database (NDDB) assessment for the modified Project to GRE, identifying eight state listed species (three plants, four reptile and one bird) known to occur within or close to the boundaries of the site property.

GRE subsequently performed a comprehensive wildlife survey for these species in May, June, August, and October 2019. Although suitable habitat exists on-site for the listed species, none of the listed species were found during the 2019 surveys; however, one of the species, the eastern ribbon snake, was already identified as occurring at the site.

The eastern ribbon snake inhabits a variety of shallow water aquatic habitats, favoring open grassy or shrubby areas bordering streams and wooded swamps. Non-wetland habitats adjacent to wetlands also provide suitable habitat as it can be found up to several hundred feet away from water-based habitats in the early Spring and after mid-December. It uses rocky areas near water and in uplands for winter hibernacula.

DEEP issued a final NDDB Determination Letter to GRE on February 22, 2020, that included eastern ribbon snake protection measures to reduce potential impacts to snake populations during site development. The measures include a 100-foot no disturbance buffer to wetlands, limited disturbance in an area 100 feet to 200 feet from wetlands, and additional measures for areas within 300 feet of wetlands if construction occurs within the snake's active season from April 1- October 15. The Council will require submission of an eastern ribbon snake protection plan that complies with the Final NDDB Determination Letter to be included within the D&M Plan.

No state-listed fish or aquatic species were identified by the NDDB as occurring on or in the area of the site. DEEP Fisheries Biologists are routinely involved in pre-application consultations with regulatory staff and applicants as well as involved in permit application reviews, in order to identify potential fisheries issues, and to work with applicants to mitigate any effects, including those to listed species.

According to the U.S. Fish and Wildlife Service (USFWS), the project site may provide habitat for the northern long-eared bat (NLEB), a federally listed threatened species and state endangered species. GRE's

consultation with DEEP concluded that the site is not near any known NLEB maternity roost trees or known NLEB hibernaculum, and thus, DEEP did not list NLEB on the July 5, 2019 NDDB assessment letter as a species to survey at the site. Although NLEB was not previously identified on the site or in the area, the Council finds that the recommended site clearing timeframe of October 15 and March 1 would be protective of NLEB as well as other bat species that may be utilizing the site.

Air Quality

During operation, the proposed project would not produce air emissions of regulated air pollutants or greenhouse gases. Thus, no air permit would be required. The proposed project would meet DEEP air quality standards.

Water Quality

The project is not located within a DEEP-designated aquifer protection area. Installation of solar array support posts is not expected to have any effect on any nearby water wells that may be present in the area due to the significant distance between solar field areas and developed residential properties.

Wetlands and Watercourses

The Inland Wetland and Watercourses Act (IWWA) strikes a balance between economic activities and wetlands preservation. The impact of a proposed activity on the wetlands and watercourses that may come from outside the physical boundaries of the wetlands or watercourses is a major consideration. Defined upland review areas, such as 100 feet, provide a trigger for reviewing whether a regulated activity is likely to affect wetlands and watercourses. Under CGS §22a-41(d), regulatory agencies shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life *unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.*

Two wetlands were delineated at the site; Wetland 1 and Wetland 2. Wetland 1 is located in the western portion of the site and contains a small stream that eventually drains off site to Oil Mill Brook. Wetland 2 is located on a steep slope near the east property boundary and drains off-site towards Stony Brook.

No wetlands or watercourses would be directly impacted by the proposed project. No clearing would occur in wetlands or watercourses. GRE would maintain a minimum 100-foot no disturbance upland buffer around the majority of the on-site wetlands and watercourses with the exception of improvements to existing dirt and logging roads that would be upgraded to access the interior of the site. All site clearing and stormwater basins would be a minimum 100 feet from wetlands. As an additional protective measure, GRE has agreed to remove approximately 300 solar panels that are located within 200 feet of on-site wetlands. The Council will order that this 200-foot buffer be incorporated into the D&M Plan.

Vernal Pools

Three vernal pools were identified within Wetland 1 in the western portion of the site on the parcel (VP-01, VP-02, VP-03). Project-related improvements to the existing access and logging roads and the installation of the underground electric interconnection cable would occur within the vernal pool envelope for all three pools. The proposed solar array and several stormwater features would be constructed within part of the Critical Terrestrial Habitat (CTH) for VP-03, located adjacent to an existing elevated wetland road crossing. Post-project development within each vernal pool CTH would be less than 25 percent which is consistent with the United States Army Corps of Engineers Vernal Pool Best Management Practices.

Proposed stormwater basins 1 and 16 are within 500 feet of VP-3. Both of these basins are proposed as pond type basins where water would be retained during the wet season (March-June). To reduce the potential for these basins from acting as decoy breeding pools for vernal pool obligate species, GRE proposes to install a wildlife exclusion fence around these basins, followed by monitoring to determine the effectiveness of the exclusionary fencing.

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. The DEEP Individual and General Permits for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (Stormwater 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. A DEEP-issued Stormwater Permit is required prior to commencement of construction.

All aspects of Project construction phasing, erosion and sedimentation control methods, and temporary and permanent stormwater control features are reviewed and approved by DEEP as part of the Stormwater Permit registration. No site construction activities can occur until the Stormwater Permit is issued. The Stormwater Permit includes a Stormwater Pollution Control Plan (SWPCP) that requires appropriate construction phasing and the establishment of erosion control features in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* and the *2004 Connecticut Stormwater Quality Manual*. DEEP has the authority to enforce Project compliance with its Individual or General Permit and the SWPCP.

GRE has consulted with the DEEP Stormwater Program on the stormwater management site design since 2019, including but not limited to, in person meetings and a site walk. Per DEEP staff recommendations, GRE created a larger buffer between the proposed construction areas and the property boundaries, reducing the Project development area from 98 acres to 75 acres and removing development areas away from some of the steep slopes. The project stormwater design includes measures presented within DEEP's draft General Permit Appendix I- Stormwater Management at Solar Array Construction Projects.

GRE proposes to install 15 post-construction stormwater management basins throughout the project. The basins and associated outfalls are designed to maintain existing drainage patterns and have been located where site drainage patterns naturally channelize prior to exiting the parcel limits. Spillways, energy dissipaters, and level spreaders would be used to slow the velocity of stormwater and avoid point discharge. To further reduce the potential for stormwater impacts, GRE, upon a consultation with DEEP, proposes to install stone check dams down slope of the stormwater detention basin outfall structures to further reduce drainage way velocities.

Some of the stormwater basins use embankments that may qualify as dams. Consistent with the *2004 Stormwater Quality Manual*, the Council will order GRE to consult with DEEP Dam Safety regarding permitting or other requirements.

Upon consultation with DEEP, the project would be constructed in two main phases, site clearing and site construction. The objective of the site phasing was to perform necessary tree clearing, clean up debris from past logging operation and install erosion and sedimentation controls and sediment traps and basins, followed by seeding and stabilization of disturbed areas through a growing season prior to the commencement of the site construction phase. Although GRE interprets a growing season as one calendar season (i.e. Spring or Fall), DEEP , it its letter of June 17, 2020, interpreted the growing season as a longer interval of time. For example, if clearing took place in the Spring, construction could begin the following Spring. To ensure proper site stabilization and grass seedling establishment prior to construction, the Council will order GRE to allow for an entire growing season before commencement of the site construction phase, with the growing season not limited to only a single calendar season such as the Spring or Fall.

Water resources downslope of the site include wetlands and watercourses that flow into Oil Mill Brook and Stony Brook, each identified by DEEP as coldwater stream habitat that support wild brook trout. Cold water trout streams are susceptible to thermal impacts as well as from sedimentation as trout need a gravel stream bed to successfully spawn. Sedimentation could also negatively impact eelgrass within the Niantic River estuary. Eelgrass provides habitat for many species and can support a scallop fishery in this area.

Some of the post-construction design elements to mitigate potential effects of the project include, but are not limited to, establishing a minimum 100-foot buffer from stormwater basin discharge points to wetlands, use of energy dissipaters at each stormwater outlet to reduce the discharge flow velocity and to spread the runoff from storm events, installation of stone check dams downslope of the stormwater basin outlet points in several drainage ways, and designing stream channel protection at the discharge point of each stormwater basin by reducing post-development peak flow rates from pre-development flow rates for certain storm events. Short term, temporary impacts to water resources from construction activities would be avoided or minimized with specific erosion and sedimentation controls that would be installed and maintained in accordance with the DEPP-issued Stormwater Permit, *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* and the *2004 Connecticut Stormwater Quality Manual*.

Although the site is within the watershed of both brooks, as well as the larger Niantic River watershed, the Council finds the project design will meet DEEP water quality standards as long as the Petitioner obtains a DEEP-issued Stormwater Permit, which requires site-specific Project design elements for stormwater management, as well as inspections and reports, to protect water resources.[4]

[4] It is within the statutory authority of the Council to approve a facility subject to specific conditions, including subsequent compliance with DEEP standards and regulations. (*FairwindCT, Inc. v. Conn. Siting Council*, 313 Conn. 669, 687 (2014).

Conclusion

Based on the record in this proceeding, the Council finds that there would not be a substantial adverse environmental effect associated with the construction, maintenance and operation of an approximately 15.3 MW solar photovoltaic electric generating facility and an associated electrical interconnection located at 117 Oil Mill Road in Waterford.

In accordance with CGS §22a-19, the Council finds that the proposal would not cause unreasonable pollution, impairment or destruction of the public trust in the air, water or other natural resources of the state. The Council has considered all feasible alternatives and finds that the proposal represents the best alternative consistent with the reasonable requirements of the public health, safety and welfare.

The proposed project is a distributed energy resource project with a capacity of less than 65 MW under CGS §16-50k, was selected through DEEP's Small Scale RFP under PA 15-107, is consistent with the state's energy policy under CGS §16a-35k, and would meet all applicable U.S. Environmental Protection Agency and DEEP Air and Water Quality Standards. Therefore, the Council will issue a declaratory ruling for the proposed project.