



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
Web Site: www.ct.gov/csc

VIA ELECTRONIC MAIL

April 17, 2020

Michael Melone
Windham Solar LLC
101 West 78th Street, Suite 6A
New York, NY 10024

RE: PETITION NO. 1395 – Windham Solar LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of three 1.0-megawatt (MW) solar photovoltaic electric generating facilities located at 31 Benz Street, Ansonia, Connecticut.

Dear Mr. Melone:

The Connecticut Siting Council (Council) received the petition for a declaratory ruling for the above-referenced facility on February 26, 2020.

According to Section 16-50j-39a of the Regulations of Connecticut State Agencies, “no declaratory ruling shall be issued to any person until a complete petition containing all information deemed relevant by the Council has been filed.”

Council staff reviewed this petition for completeness and had identified a deficiency that was more fully described in a notice of incompleteness to Windham Solar LLC (WS), dated February 28, 2020, a copy of which is attached for your convenience, and recommended that WS either:

1. Provide written correspondence from the Department of Agriculture that the proposed facility will not materially affect the status of prime farmland and/or written correspondence from the Department of Energy and Environmental Protection (DEEP) that the proposed facility will not materially affect the status of core forest on or before March 27, 2020; or
2. Submit the proposed project as an Application for a Certificate of Environmental Compatibility and Public Need.

On March 25, 2020, WS submitted a request for an extension to submit the written correspondence from DEEP and the Council granted an extension of time to April 16, 2020. A copy of the Council’s March 25, 2020 correspondence granting the extension is also attached for your convenience.

To date, the Council has not received the requested information. Thus, the petition for a declaratory ruling is incomplete and not in compliance with Connecticut General Statutes §16-50k(a) and Section 16-50j-39(a) of the Regulations of Connecticut State Agencies, and is hereby rejected on that basis.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at 860-827-2951.

Sincerely,

s/Melanie A. Bachman

Melanie A. Bachman
Executive Director

Enclosure- Council Incomplete letter dated February 28, 2020
Council Extension letter dated March 25, 2020

c: The Honorable David Cassetti, Mayor, City of Ansonia
David Blackwell, Sr., Zoning Enforcement/Anti-Blight Officer, City of Ansonia
Steve Broyer, Ecos Energy LLC
Council Members



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February 28, 2020

Michael Melone
Windham Solar LLC
101 West 78th Street, Suite 6A
New York, NY 10024

RE: PETITION NO. 1395 – Windham Solar LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of three 1.0-megawatt (MW) solar photovoltaic electric generating facilities located at 31 Benz Street, Ansonia, Connecticut.

Dear Mr. Melone:

The Connecticut Siting Council (Council) received the petition for a declaratory ruling for the above-referenced facility on February 26, 2020.

According to Section 16-50j-39a of the Regulations of Connecticut State Agencies, “no declaratory ruling shall be issued to any person until a complete petition containing all information deemed relevant by the Council has been filed.”

Staff has reviewed this petition for completeness and has identified a deficiency in compliance with Connecticut General Statutes §16-50k(a). Effective July 1, 2017, under Public Act 17-218, Connecticut General Statutes §16-50k(a) requires, “... **for a solar photovoltaic facility with a capacity of 2 or more megawatts**, to be located on prime farmland or forestland... 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...” The Council’s November 1, 2017 memorandum is attached for your convenience.

There is neither a letter from the Department of Agriculture nor the Department of Energy and Environmental Protection submitted as part of the petition for a declaratory ruling that the above-referenced proposed facility will not materially affect the status of prime farmland or core forest.

Therefore, the petition is incomplete and not in compliance with the statute at this time. The Council recommends that the petitioner either:

1. Provide written correspondence from the Department of Agriculture that the proposed facility will not materially affect the status of prime farmland and/or written correspondence from the Department of Energy and Environmental Protection that the proposed facility will not materially affect the status of core forest on or before March 27, 2020. If additional time is needed to consult with the Department of Agriculture and the Department of Energy and Environmental Protection, please submit a written request for an extension of time prior to March 27, 2020; or
2. Submit the proposed project as an Application for a Certificate of Environmental Compatibility and Public Need pursuant to the provisions of Connecticut General Statutes §16-50l.

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Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at 860-827-2951.

Sincerely,


Melanie A. Bachman
Executive Director

Enclosure- Council Memo dated November 1, 2017

- c: Commissioner Katie Dykes, Department of Energy and Environmental Protection
- Commissioner Bryan Hurlburt, Department of Agriculture
- The Honorable David Casseti, Mayor, City of Ansonia
- David Blackwell, Sr., Zoning Enforcement/Anti-Blight Officer, City of Ansonia
- Steve Broyer, Ecos Energy LLC
- Council Members



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November 1, 2017

To: Energy Industry Representatives
From: Melanie A. Bachman, Executive Director *MAB*
Re: Solar Electric Generating Facilities with a generating capacity of 2 or more megawatts

Please be advised that effective July 1, 2017, pursuant to Public Act 17-218, Connecticut General Statutes §16-50k(a) requires:

“...for a solar photovoltaic facility with a capacity of 2 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 [Connecticut Siting 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...”

Prior to the submission of any petition for a declaratory ruling for a proposed solar project to the Connecticut Siting Council (Council) that is not exempt as described above, petitioners shall consult with the Department of Agriculture and the Department of Energy and Environmental Protection. Thereafter, the petitioner shall submit to the Council with the petition for a declaratory ruling written correspondence from the Department of Agriculture that such project will not materially affect the status of such land as prime farmland and written correspondence from the Department of Energy and Environmental Protection that such project will not materially affect the status of such land as core forest.

Any petition for a declaratory ruling for a solar facility with a capacity of 2 or more megawatts that is submitted to the Council without the above-referenced written correspondence will be rejected as incomplete. In lieu of submitting a petition for a declaratory ruling, project developers may opt to submit an Application for a Certificate of Environmental Compatibility and Public Need in accordance with the provisions of Connecticut General Statutes §§16-50k and 16-50l, which does not require the submission of written correspondence from the Department of Agriculture or the Department of Energy and Environmental Protection.

Thank you for your anticipated cooperation.



5:REFERENCE MATERIALS\Guides\Current\Guides\2017\101_sitarmemo.doc

CONNECTICUT SITING COUNCIL
Affirmative Action / Equal Opportunity Employer



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VIA ELECTRONIC MAIL

March 25, 2020

Steve Broyer
Ecos Energy
222 S 9th St, Suite 1600
Minneapolis, MN 55402
steve.broyer@ecosrenewable.com

RE: **PETITION NO. 1395** – Windham Solar LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of three 1.0-megawatt (MW) solar photovoltaic electric generating facilities located at 31 Benz Street, Ansonia, Connecticut.

Dear Mr. Broyer:

The Connecticut Siting Council (Council) is in receipt of your March 25, 2020 request for an extension of time to submit the Department of Environmental Protection consultation correspondence required to make the above-referenced petition for a declaratory ruling complete, as requested in the Council's correspondence dated February 28, 2020.

Pursuant to Section 16-50j-22a of the Regulations of Connecticut State Agencies, the Council hereby grants the request for an extension of time to submit the required documentation by April 16, 2020.

Sincerely,

s/Melanie Bachman

Melanie Bachman
Executive Director

MB/RDM/lm