



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: portal.ct.gov/csc

VIA ELECTRONIC MAIL

February 15, 2022

Timothy Holman
Chairman
City of Ansonia
Inland Wetlands Commission
253 Main Street
Ansonia, CT 06401

RE: **PETITION NO. 1395A** – Windham Solar, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of one 1.0-megawatt (MW) and one 0.99 MW solar photovoltaic electric generating facilities located at 31 Benz Street, Ansonia, Connecticut.

Dear Mr. Holman:

The Connecticut Siting Council (Council) is in receipt of the City of Ansonia (City) Inland Wetlands Commission (IWC) correspondence dated February 4, 2022 regarding tree clearing of land for proposed solar facilities on Benz Street and off of Hill Street.

Please be advised the Council does not propose solar facility sites. The Council balances the public benefit and environmental effects of solar facility sites proposed by developers.

With regard to Hill Street, the Council has not received any petition for a declaratory ruling for the construction, maintenance and operation of a solar photovoltaic electric generating facility at that location.

With regard to Benz Street, the Council approved the above-referenced solar photovoltaic electric generating facility on June 20, 2021 with conditions, including, but not limited to, submission of a Development and Management Plan (D&M Plan) for the facility to the Council for approval prior to the commencement of construction. A Connecticut Department of Energy and Environmental Protection (DEEP) Stormwater Permit was issued for the solar facility on June 16, 2021. A copy of the Notice of Permit Authorization that includes the permit number is attached for your convenience.

Petition No. 1395A was properly submitted to the Council on June 23, 2020. It complied with the notice requirements for a petition for a declaratory ruling under Regulations of Connecticut State Agencies §16-50j-40. On June 26, 2020, the Council sent correspondence to Mayor David Cassetti indicating the petition had been filed with the Council and requesting comments on the petition. On and after November 20, 2020, the City actively participated in the Council's petition proceeding as a party.

For your convenience, a copy of the Council's June 21, 2021 Declaratory Ruling may be accessed at this link on the Council's website: https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1301-1400/PE1395A/PE1395A_Dcltr_Reconsideration.pdf

The Council approved Phase I of the D&M Plan for the solar facility on July 30, 2021. Phase II of the D&M Plan has yet to be submitted. Also for your convenience, a copy of the Council's July 30, 2021 Phase I D&M Plan approval for this facility that includes the approved site plans may be accessed at this link on the Council's website: https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1301-1400/PE1395A/PE1395A-dcltr-partialDMPlan.pdf

In October 2021, a stop work order was issued to the developer by the City for failure to obtain a local permit for tree clearing at the approved solar facility site. A local permit for tree clearing at an approved solar facility site is not legally required. A copy of the Council's October 29, 2021 correspondence with the City regarding the stop work order is attached for your convenience.

Pursuant to its authority under the Public Utility Environmental Standards Act, the Council has exclusive jurisdiction over the construction, maintenance, operation and modification of solar facilities in the state. Under Connecticut General Statutes (CGS) §16-50i (a)(3), the Council has jurisdiction over "*any electric generating facility... using any fuel... including associated equipment for furnishing electricity...*" (Emphasis added). Under CGS §16-50x(a), the Council's review and approval of a jurisdictional electric generating facility, such as the Benz Street solar photovoltaic electric generating facility, "*shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies.*" (Emphasis added).

Therefore, the Council respectfully declines the IWC's request to appear before it at its next regular meeting.

Thank you.

Sincerely,



Melanie A. Bachman
Executive Director

c: Service List, dated April 23, 2021

Enc.: June 16, 2021 DEEP Notice of Permit Authorization
October 29, 2021 Council correspondence to the City



Bureau of Materials Management and Compliance Assurance

Notice of Permit Authorization

June, 16 2021

Steven Broyer
JEFFERSON SOLAR LLC
222 S 9th St
Minneapolis, MN 55402-3382

Subject: General Permit Registration for the Discharge of Stormwater and Dewatering
Wastewaters from Construction Activities
Application NO.: 202080118

Steven Broyer:

The Department of Energy and Environmental Protection, Water Permitting and Enforcement Division of the Bureau of Materials Management and Compliance Assurance, has completed the review of the Benz Street Solar (located at 31 Benz St. Ansonia) registration for the **General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, effective 10/1/13 (general permit)**. The project is compliant with the requirements of the general permit and the discharge(s) associated with this project is (are) authorized to commence as of the date of this letter. Permit No. GSN003655 has been assigned to authorize the stormwater discharge(s) from this project.

Questions can be emailed to deep.stormwater@ct.gov.

CONSTRUCTION SEQUENCE

1. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY AT THE SITE, APPLICANT BENZ SOLAR LLC SHALL
 - a. **PROVIDE DEEP WITH A SIGNED LETTER FROM THE CITY OF ANSONIA AUTHORIZING THE CONNECTION OF BASIN NUMBER 2 (STORMWATER TREATMENT BASIN #2 OUTLET RISER DETAIL, PAGE 11 OF 11 OF THE CONSTRUCTION DOCUMENTS) WITH THE CITY OF ANSONIA'S STORMWATER SYSTEM**
 - b. **CONTRACT WITH THE APPROPRIATE CONSERVATION DISTRICT TO PROVIDE INSPECTION SERVICES AT THE SITE PURSUANT TO APPENDIX F OF THE GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER AND DEWATERING WASTEWATERS FROM CONSTRUCTION ACTIVITIES**
 - c. CONTACT CALL BEFORE YOU DIG (811 OR 1-800-922- 4455) TO MARK UTILITIES.
2. NOTIFY THE TOWN OF ANSONIA ZONING AND INLAND WETLANDS AGENTS OF START OF CONSTRUCTION A MINIMUM OF 48 HOURS IN ADVANCE.
3. HAVE CT LICENSED LAND SURVEYOR STAKE OUT THE CLEARING LIMITS AND PERIMETER EROSION CONTROL.
4. CUT TREES BUT DO NOT GRUB.
5. INSTALL CONSTRUCTION ENTRANCE.
6. INSTALL PERIMETER EROSION AND SEDIMENTATION CONTROLS (HAY BALES AND WOODCHIP MULCH) AND HAVE INSPECTED BY SITE INSPECTOR PRIOR TO GRUBBING OR GRADING ACTIVITIES.
7. EXCAVATE AND STABILIZE BASIN #1, IF DEWATERING IS NECESSARY FOR EXCAVATION PLEASE COORDINATE DEWATERING PLAN WITH QUALIFIED ENVIRONMENTAL PROFESSIONAL. INSTALL BASIN DRAIN OUTLET PIPING AND CAP PIPE IN THE BOTTOM OF THE BASIN. PROVIDE A STAKE MARKING THE CAP LOCATION. DO NOT INSTALL PERFORATED BASIN DRAIN AND CRUSHED STONE. BASIN #1 SHALL BE USED AS A TEMPORARY SEDIMENTATION BASIN DURING CONSTRUCTION. UPON COMPLETION OF THE BASIN #1 GRADING THE CONTRACTOR SHALL HAVE THE STABILIZED BASIN INSPECTED BY SITE INSPECTOR.
8. GRUB WATERSHED 1 SITE AREA AND PERFORM SITE GRADING AND STABILIZATION WITHIN WATERSHED 1 WORK AREA AS IDENTIFIED ON THE PLANS.
9. GRADE AND STABILIZE WESTERN SWALE TO BASIN #1.
10. PRIOR TO THE CONSTRUCTION TRANSITION TO WATERSHED #2, THE CONTRACTOR SHALL HAVE THE WATERSHED #1 GRADING AND STABILIZATION REVIEWED BY THE SITE INSPECTOR TO ENSURE APPROPRIATE STABILIZATION.
11. EXCAVATE AND STABILIZE BASIN #2, IF DEWATERING IS NECESSARY FOR EXCAVATION PLEASE COORDINATE DEWATERING PLAN WITH QUALIFIED ENVIRONMENTAL PROFESSIONAL. BASIN #2 SHALL BE USED AS A TEMPORARY SEDIMENTATION BASIN DURING CONSTRUCTION. UPON COMPLETION OF THE BASIN #2 GRADING THE CONTRACTOR SHALL HAVE THE STABILIZED BASIN INSPECTED BY SITE INSPECTOR.
12. GRADE AND STABILIZE EASTERN SWALE TO BASIN #2 AND INSTALL DRIVEWAY CULVERT.
13. GRUB WATERSHED 2 SITE AREA AND PERFORM ADDITIONAL SITE GRADING WITHIN WATERSHED 2 WORK AREA AS IDENTIFIED ON THE PLANS.
14. INSTALL ACCESS DRIVEWAY.
15. INSTALL PERIMETER CHAIN LINK FENCE AROUND ENTIRE SITE.
16. INSTALL THE BASIN DRAIN PERFORATED PIPE AND CRUSHED STONE WITHIN BASIN #1.
17. AFTER THE INITIAL GRADING WORK IS COMPLETE THE BASINS, SWALES, AND ALL DISTURBED AREAS SHALL BE LEFT FOR A MINIMUM OF ONE GROWING SEASON (APRIL 1ST

THROUGH JUNE 15TH OR AUGUST 15TH THROUGH OCTOBER 15TH). THE SITE SHALL BE LEFT UNDISTURBED TO ALLOW NEW VEGETATION TO ESTABLISH. ROUTINE INSPECTIONS SHALL BE PERFORMED AND ANY ERODED AREAS OR BARE AREAS RESTORED. **ANY WORK ASSOCIATED WITH THE INSTALLATION / RACKING OF THE SOLAR ARRAY WILL NOT COMMENCE UNTIL THE PERIMETER CONTROLS, INCLUDING, BUT NOT LIMITED TO, ALL SWALES AND BASINS, HAVE BEEN VEGETATIVELY STABILIZED.**

18. INSTALL SOLAR RACKING FOUNDATIONS, AND RACKING, AND SOLAR MODULES. HYDROSEED OR SEED AND MULCH ANY EXPOSED SOIL AT THE END OF EACH WEEK AND BEFORE EVERY RAINFALL PREDICTED FOR 0.5 INCHES OR MORE.
19. TRENCH FOR AND INSTALL ELECTRIC LINES AND AT THE END OF EACH WEEK HYDROSEED OR MULCH AND SEED ANY EXPOSED SOIL AT THE END OF EACH WEEK AND BEFORE EVERY RAINFALL PREDICTED FOR 0.5 INCHES OR MORE.
20. INSTALL REMAINING ELECTRIC INFRASTRUCTURE AND AT THE END OF EACH WEEK HYDROSEED OR MULCH AND SEED ANY EXPOSED SOIL AT THE END OF EACH WEEK AND BEFORE EVERY RAINFALL PREDICTED FOR 0.5 INCHES OR MORE.
21. OVERSEED DISTURBED SOILS WHEN ALL SOLAR PANEL INSTALLATION AND ELECTRICAL TRENCHING IS COMPLETE.
22. CLEAN SEDIMENTS BASINS AND GRADE AND RE-SEED FOR USE AS STORMWATER BASINS WHEN SITE INSPECTOR DEEMS SOILS ARE STABILIZED.
23. INSTALL PERIMETER SCREENING PLANTINGS



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VIA ELECTRONIC MAIL

October 29, 2021

John P. Marini, Esq.
City of Ansonia
253 Main Street
Ansonia, CT 06401
jmarini@mzslaw.com

RE: **PETITION NO. 1395A** – Windham Solar, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of one 1.0-megawatt (MW) and one 0.99 MW solar photovoltaic electric generating facilities located at 31 Benz Street, Ansonia, Connecticut.

Dear Attorney Marini:

The Connecticut Siting Council (Council) received a call this afternoon from Mr. Michael Melone of Allco Renewable Energy Limited on behalf of the developer of the above-referenced solar photovoltaic electric generating facility that was approved by the Council on June 20, 2021. Mr. Melone referenced a stop work order that was issued to the developer earlier today by the City of Ansonia for failure to obtain a local permit for tree clearing at the approved solar facility site. This is not legally required.

Pursuant to its authority under the Public Utility Environmental Standards Act, the Council has exclusive jurisdiction over the construction, maintenance, operation and modification of solar facilities in the state. Under Connecticut General Statutes (CGS) §16-50i (a)(3), the Council has jurisdiction over “**any electric generating facility**... using any fuel... including associated equipment for furnishing electricity...” (Emphasis added).

Additionally, under CGS §16-50k(a), “...the Council shall, in the **exercise of its jurisdiction over the siting of generating facilities**, approve by declaratory ruling... the construction and location of any customer-side distributed resources project or facility or grid side distributed resources project or facility with a generating capacity of not more than sixty five megawatts as long as such project meets the air and water quality standards of the Department of Energy and Environmental Protection and the Council does not find a substantial adverse environmental effect.” (Emphasis added). The above-referenced solar project is an electric generating facility over which the Council has exclusive jurisdiction and for which the Council is required by statute to approve by a declaratory ruling.

Finally, CGS §16-50x(a) states in pertinent part: “Notwithstanding any other provision of the general statutes to the contrary, ... **the council shall have exclusive jurisdiction over the location and type of facilities** and over the location and type of modifications of facilities subject to the provisions of subsection (d) of this section. In ruling on applications for certificates or **petitions for a declaratory ruling** for facilities and on requests for shared use of facilities, the Council shall give such consideration to other state laws and municipal regulations as it shall deem appropriate. **Whenever the council certifies a facility pursuant to this chapter, such certification shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies in regard to any questions of public need, convenience and necessity for such facility.**” (Emphasis added).

Petition No. 1395A was properly submitted to the Council on June 23, 2020. It complied with the notice requirements for a petition for a declaratory ruling under Regulations of Connecticut State Agencies §16-50j-40. On June 26, 2020, the Council sent correspondence to Mayor David Cassetti indicating the petition had been filed with the Council and requesting comments on the petition. On and after November 20, 2020, the City of Ansonia actively participated in the Council's petition proceeding as a party.

The Council issued a Declaratory Ruling to Windham Solar, LLC for the construction, maintenance and operation of the solar photovoltaic electric generating facility on June 21, 2021. The Council approved Windham Solar, LLC's Development and Management Plan (D&M Plan) for this facility on July 30, 2021.

For your convenience, a copy of the Council's June 21, 2021 Declaratory Ruling may be accessed at this link on the Council's website: https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1301-1400/PE1395A/PE1395A_Dcltr_Reconsideration.pdf

Also for your convenience, a copy of the Council's July 30, 2021 D&M Plan approval for this facility may be accessed at this link on the Council's website: https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1301-1400/PE1395A/PE1395A-dcltr-partialDMPlan.pdf

In accordance with the statutory authority cited above, the Council's review and approval of a jurisdictional electric generating facility, such as the subject solar photovoltaic electric generating facility, **"shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies."**

If you have any further concerns or questions, please feel free to contact me at 860-827-2951.

Thank you.

Sincerely,



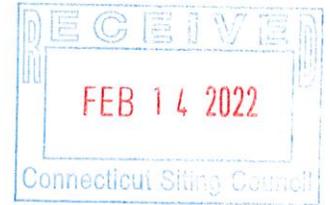
Melanie A. Bachman
Executive Director

c: Service List, dated April 23, 2021



City of Ansonia
INLAND WETLANDS COMMISSION

253 Main Street
Ansonia, Connecticut 06401
February 4, 2022



Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Attn: Melanie Bachman
Executive Director

ORIGINAL

Re: Clear Cutting of Trees in Ansonia

Dear Sir:

It has come to the attention of the Ansonia Inland Wetlands Commission of the clear cutting and stripping of land for proposed solar panels on Benz Street and off of Hill Street in Ansonia, CT. Ansonia is under State of CT mandate that there is no net increase in flow.

The Inland Wetlands Commission is requesting that the Siting Council appear before the commission at their next regular meeting scheduled for Thursday, March 3, 2022 at 7:00 p.m. to discuss this activity.

The Inland Wetlands Commission is looking forward to discussing your plans for any proposed solar sites. Currently there are no applications before the commission and it is extremely important that all plans be reviewed prior to approval as there are many environmental factors involved.

Thank you for your prompt attention to this matter.

Best regards,

Timothy Holman
Chairman

Cc: State of CT – DEEP
Conservation Commission