

PETITION NO. 1572 – East Windsor Solar Two, LLC petition } Connecticut
for a declaratory ruling, pursuant to Connecticut General Statutes }
§4-176 and §16-50k, for the proposed construction, maintenance } Siting
and operation of a 4.0-megawatt AC solar photovoltaic electric } Council
generating facility located at 31 Thrall Road, East Windsor, }
Connecticut, and associated electrical interconnection.

October 12, 2023

Decision and Order

Pursuant to Connecticut General Statutes (CGS) § 16-50k(a), CGS §4-176 and the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the construction, maintenance, and operation of a 4.0 MW Solar Photovoltaic Project on approximately 24.6 acres and associated electrical interconnection at 31 Thrall Road, East Windsor, Connecticut would not have a substantial adverse environmental effect, would meet all applicable U.S. Environmental Protection Agency and Connecticut Department of Energy and Environmental Protection (DEEP) Air and Water Quality Standards, and therefore, the Council will issue a declaratory ruling for the proposed solar photovoltaic electric generating facility.

Unless otherwise approved by the Council, the facility shall be constructed, operated, and maintained substantially as specified in the Council’s record in this matter, and is subject to the following conditions:

1. Submit a copy of a DEEP-issued Stormwater Permit prior to the commencement of construction;
2. The Petitioner shall prepare a Development and Management Plan (D&M) for this site in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be provided to the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a. A final site plan including, but not limited to facility layout, access roads, electrical interconnection design that reduces visibility to the extent feasible, farm style livestock fence design, equipment pads, stormwater management control structures, and final seed mix;
 - b. Plans to shift the equipment pads outside of the stormwater basin;
 - c. Erosion and sedimentation control plan consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control* and the DEEP-issued Stormwater Permit including, but not limited to, construction detail/phasing plan; installation of straw bales or other generally accepted similar control measures to reinforce silt fencing adjacent to wetland areas, temporary sediment basin detail, site stabilization measures during construction, inspection and reporting protocols, procedures for periodic cleaning of temporary sediment traps and swales during construction, and final cleaning of sediment traps/stormwater basins upon site stabilization;
 - d. Final Vernal Pool Best Management Practices;
 - e. Perform pre-construction investigation of area wells and provide plans to prevent impacts to such wells;
 - f. Final Post-Construction Operations and Maintenance Plan that includes an inspection/maintenance schedule of facility components, vegetation/landscaping, including the replacement of dead or dying landscape plantings, and stormwater basin/controls;

- g. Final Petroleum Storage and Spill Prevention Plan (PSSPP) for site construction and operation with worker training and contact information including, but not limited to, regulatory agencies, spill cleanup contractors, and local responders;
 - h. Detailed Landscape Plan with a natural looking vegetative screening design;
 - i. Final structural design for the racking system stamped by a Professional Engineer duly licensed in the State of Connecticut; and
 - j. A final sheep grazing co-use plan for the site, including, but not limited to, provisions for rotational grazing, water access and emergency evacuation with a document that shall indemnify and hold harmless the Council, its agents, representatives and employees from any and all losses, claims, actions, costs and expenses, judgments, subrogations, or other damages resulting from any injury to a person or to property arising out of the presence of third-parties within the fenced solar facility site.
3. Provide operations and emergency response training, and an emergency key box for access for local emergency responders;
4. In accordance with Section 16-50j-62 of the Regulations of Connecticut State Agencies, EWST shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, EWST shall provide the Council with written notice of the completion of site construction and the commencement of operation;
5. 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 Findings of Fact, Opinion Decision & Order (collectively called "Final Decision"), this Decision & Order 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 Final 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;
6. 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 the Town of East Windsor;
7. 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 CGS §16-50v;
8. The facility owner/operator shall file an annual report on a forecast of loads and resources pursuant to CGS §16-50r;
9. This Declaratory Ruling may be transferred provided both the facility owner/transferee and the transferee are current with payments to the Council for their respective annual assessments and invoices under CGS §16-50v. In addition, both the facility owner/transferee and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under CGS §16-50v(b)(2) that may be associated with this facility, including contact information for the individual acting on behalf of the transferee;

10. EWST shall maintain the facility, components, landscaping, and drainage features, in a reasonable physical and operational condition that is consistent with this Decision and Order and the Development and Management Plan to be approved by the Council;
11. 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; and
12. This Declaratory Ruling may be surrendered by the facility owner/operator upon written notification to the Council.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each party and intervenor or its authorized representative, as listed in the Service List, dated May 25, 2023, and notice of issuance published in The Journal Inquirer in accordance with CGS §4-180(c) and CGS §16-50p(f).

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party and intervenor named or admitted to the proceeding in accordance with RCSA 16-50j-17.