

<b>PETITION NO. 1592A</b> – Santa Fuel, Inc. petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.85-megawatt AC solar photovoltaic electric generating facility located at 159 South Road, Somers, Connecticut, and associated electrical interconnection. <b>Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).</b>	} } } } }	Connecticut  Siting  Council  April 3, 2025
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### Decision and Order

Pursuant to Connecticut General Statutes (CGS) §4-181a(b), CGS §16-50k and the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that there is a public benefit for the construction, maintenance, and operation of a 3.57-megawatt solar photovoltaic electric generating facility and associated electrical interconnection on an approximately 16.8-acre site located at 159 South Road, Somers, Connecticut, and that the facility would not have a substantial adverse environmental effect, 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 the DEEP-issued Stormwater Permit prior to the commencement of construction;
2. Submit a Development and Management Plan (D&M) for this facility in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies (RCSA). 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. Final site plan including, but not limited to facility layout, access roads, electrical interconnection design, agricultural-style fence design, equipment pads, stormwater management control structures, and final seed mix;
  - b. Final Landscaping Plan;
  - c. Final Post-Construction Operations and Maintenance Plan that includes an inspection/maintenance schedule of facility components, stormwater basin/controls and an annual vegetation maintenance plan to be implemented for the life of the facility;
  - d. Erosion and sedimentation control plan consistent with the *Connecticut Guidelines for Erosion and Sedimentation Control* and the DEEP-issued Stormwater Permit including, but not limited to, site construction phasing plan, site clearing/grubbing locations, temporary stockpile locations, site stabilization measures during construction, inspection and reporting protocols;
  - e. Final structural design for the racking system stamped by a Professional Engineer duly licensed in the State of Connecticut;
  - f. Installation of noise mitigation measures at the inverter locations; and
  - g. Final Fuel Storage and Spill Prevention Control Plan for site construction and operation with contact information including, but not limited to, construction contractor, regulatory agencies, spill cleanup contractors, and local responders;

3. Submit a copy of the final Emergency Response Plan, which includes, but is not limited to, contact information for local police, fire and emergency medical technicians, to the Council and local emergency responders prior to commencement of operation and provide emergency response training that includes an itemized list of necessary fire suppression equipment and adequate water supplies for any fire issues at the facility site;
4. Submit a post-construction operational noise study that documents compliance with state standards, and if necessary, the identification of any additional noise mitigation measures that are employed to adhere to the standards;
5. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities;
6. 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;
7. 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 Somers;
8. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed **along with a representative photograph of the facility**;
9. 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;
10. The facility owner/operator shall file an annual report on a forecast of loads and resources pursuant to CGS §16-50r;
11. This Declaratory Ruling may be transferred or partially transferred, provided both the owner/operator/transferor of the facilities and the transferee are current with payments to the Council for their respective annual assessments and invoices under CGS §16-50v. 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 facilities within 30 days of the sale and/or transfer. Both the owner/operator/transferor of the facilities and the transferee shall provide the Council with a written agreement as to the entity responsible for any quarterly assessment charges under CGS §16-50v(b)(2) that may be associated with these facilities, including contact information for the individual acting on behalf of the transferee;
12. SFI 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;

13. 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
14. 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 October 17, 2024, 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.