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April 25, 2024

VIA ELECTRONIC MAIL

Melanie Bachman
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Petition No. 1609 - TRITEC Americas, LLC notice of election to waive exclusion from Connecticut Siting Council jurisdiction, pursuant to Connecticut General Statutes §16-50k(e), and petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 0.999-megawatt AC solar photovoltaic electric generating facility located at 250 Carter Street, Manchester, Connecticut, and associated electrical interconnection. **Supplement to Filing for Party Status**

Dear Executive Director Bachman:

Yesterday, the Petitioner filed an objection to being approved for Party status on the grounds that I did not state “facts that demonstrate that the petitioner’s legal rights, duties or privileges shall be specifically affected by the agency’s decision in the contested case.” I submitted my response to this objection last night. I believe that my response is sufficient to overcome the Petitioner’s objection because I do not believe that there were any deficiencies in my filing. But to make sure that no deficiencies can be claimed, I hereby supplement my filing for Petition status with the following facts:

1. Fact 1: The Petition filed on January 24, 2024 contains an Exhibit C - Stormwater Management Report (Report) that describes diverting stormwater from a drainage area labeled PDA-1A to an infiltration basin located approximately 100 feet in elevation above my property at 121 Amanda Drive.
2. Fact 2: That Report indicates that overflows from this infiltration basin will be directed in a manner that would send overflow stormwater towards my property.
3. Fact 3: Substantial, intense rainstorms can deposit large rainfall in a relatively short period of time sufficient to lead to overflows from the infiltration basin towards my property. As evidence, refer to the table in the Report titled “Point Precipitation Frequency Estimates” which shows storm events less frequent than once every hundred years of more than 3 inches of rain in a 3-hour period. Basic math and reference to the size of PDA-1A and the capacity of the infiltration basin shows that the infiltration basin would likely overflow in such a storm, particularly if it were a winter storm falling on frozen ground.

4. Fact 4: Larger storms than 3 inches in 3 hours have occurred in the recent past. For example, it is a fact that 6 inches of rain fell in Manchester, CT on August 29, 1997. Surely it is not speculative to state that such a rainfall would lead to an overflow from the infiltration basin, thus concentrating a flow of stormwater from a large PDA-1A drainage area to an overflow outlet situated above my property.
5. Fact 5: The updated Stormwater Management Report filed by the Petitioner as part of its filing of Responses to Interrogatories from the Siting Council do not change the above facts.
6. Fact 6: Such an occurrence would affect my legal rights, duties and privileges regarding my property rights. Connecticut courts have ruled in *Agnello v Urbano* and *Berin v Olson* that a property owner may not divert stormwater from its natural course towards a neighboring property. Clearly this restriction would apply to a tenant or leaseholder of a property owner such as the Petitioner. Therefore, if the Siting Council were to approve Petition 1609, my rights, as established judicially, to be free of stormwater intentionally diverted from its natural course towards my property would be violated.

I believe that the above facts are sufficient to validate, as I believe I validated with my original submission, that my legal rights, duties and privileges would be affected by the Siting Council's decision.

I hereby make this supplement a part of my filing for Party status which is on the Agenda for the Siting Council to decide this afternoon.

Respectfully,



Raymond Welnicki

cc: cc John F. Sullivan, Attorney for Town of Manchester, Raymond Welnicki, Rachel and Dana Schnabel, Rosemary Carroll (on behalf of MARSD), Attorneys for the Petitioner: Paul R. Michaud, Bernadette Antaki, Dylan J. Gillis