

PETITION NO. 1347A - GRE GACRUX LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 16.78-megawatt AC solar photovoltaic electric generating facility located at 117 Oil Mill Road and associated electrical interconnection to Eversource Energy's existing substation at 325 Waterford Parkway North in Waterford, Connecticut. Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b)	}	Connecticut
	}	Siting
	}	Council
		October 30, 2020

DRAFT Decision and Order

Pursuant to Connecticut General Statutes (CGS) § 16-50k(a), CGS §4-176, CGS §22a-19 and the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the construction, maintenance, and operation of an approximate 15.3 MW AC solar photovoltaic electric generating facility on an approximately 88-acre leased area of a 152-acre parcel at 117 Oil Mill Road in Waterford, and an associated electrical interconnection 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 that shall be consistent with the DEEP-issued Stormwater Permit required for the project. The D&M Plan shall be served on the Town for comment, and all parties and intervenors as listed on 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, final solar panel layout, access roads, electrical interconnection, fence design, equipment pads, final site seeding and landscape planting details including pollinator-friendly species, and stormwater management control structures;
 - b. Erosion and sedimentation control plan consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control* including, but not limited to, temporary sediment basin details, site stabilization seeding/growing season details prior to installation of post driving/racking system, site stabilization measures during construction, inspection and reporting protocols, methods for periodic cleaning of temporary sediment traps and swales during construction, and final cleaning of stormwater basins upon site stabilization;
 - c. Site construction detail/phasing plan including, but not limited to, construction laydown area, site clearing/ grubbing, wood waste cleaning, grading, excess earth material disposal, site stabilization seeding/growing season details, soil stockpiles, and temporary stormwater control installation;
 - d. Eastern ribbon snake protection plan that complies with the DEEP Natural Diversity Database Determination letter dated February 22, 2020;
 - e. Consultation with the DEEP Dam Safety program regarding permitting requirements, if any, for the proposed stormwater basins prior to site construction;

- f. Final structural design for the racking system stamped by a Professional Engineer duly licensed in the State of Connecticut;
 - g. Spill Prevention and Countermeasures Plan;
 - h. Project construction hours/days of the week;
 - i. Construction traffic control plan developed in consultation with the Town;
 - j. Details of how the project complies with the CT State Fire Prevention Code, Ground Mounted Photovoltaic System Installations, Section 11.12.3;
 - k. Post-Construction Operations and Maintenance Plan that includes inspections of facility components, vegetation and stormwater basin/controls, corrective/remediation measures, vegetation management procedures that incorporates any DEEP-required seasonal restrictions, and monitoring protocol of stormwater basins #1 and #16 for vernal pool species; and
 - l. Decommissioning Plan.
3. Maintain a 200-foot buffer from the solar modules to delineated wetlands/watercourses.
4. Perform Pre-Construction Site Protection Sequence site clearing between October 15 and March 1. If site clearing cannot be accomplished within this timeframe, submit detailed alternative procedures that will be protective of wildlife.
5. Upon completion of the Pre-Construction Site Protection Sequence, all disturbed areas shall be seeded and stabilized through an entire growing season before commencement of the Site Construction Sequence. The growing season shall not be limited to a single Spring or Fall time frame.
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 decision, this decision 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 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;
8. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
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 Conn. Gen. Stat. §16-50v;
10. This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v; and

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.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed in the Service List, dated July 14, 2020, and notice of issuance published in The Day.

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