

<b>PETITION NO. 1426</b> - East Windsor Solar One, 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 4.9-megawatt AC solar photovoltaic electric generating facility located west of the Ellington town boundary at 341 East Road, East Windsor, Connecticut and associated electrical interconnection.	} Connecticut
	} Siting
	} Council
	April 30, 2021

### **DRAFT 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 4.9-megawatt AC solar photovoltaic electric generating facility located west of the Ellington town boundary at 341 East Road, East Windsor, Connecticut and 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 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 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 (D&M) Plan 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, final facility layout, access roads, electrical interconnection including riser pole locations, fence design, equipment pads, stormwater management control structures, and final seed mix;
  - b. Final plans for hosting sheep grazing at the site including, but not limited to, provisions for emergency evacuation;
  - c. Consultation with DEEP Stormwater Division regarding the potential impacts of sheep grazing on the site and any recommendations from DEEP, as applicable;
  - d. 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 the installation of post driving/racking system, site stabilization measures during construction, inspection and reporting protocols, methods for periodic clearing of temporary sediment traps and swales during construction, and final cleaning of stormwater basins upon site stabilization;
  - e. Site construction detail/phasing plan including, but not limited to, construction laydown area, site clearing/grubbing, site grading, excess earth material disposal locations, site stabilization/seeding/growing season details, soil stockpile locations, and a fuel storage/spill plan that is protective of groundwater resources;
  - f. Solar module specifications that indicate the selected solar module will not contain PFAS and will not be characterized as hazardous waste through applicable TCLP testing at the time of this decision;

- g. Final structural design for solar module racking system stamped by a Professional Engineer duly licensed in the State of Connecticut;
  - h. Construction traffic control plan developed in consultation with the Town; and
  - i. Post-construction Operations and Maintenance Plan that includes inspections of facility components, vegetation and stormwater basin/controls, corrective/remediation measures, and vegetation/site management procedures.
3. 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;
4. Any request for extension of 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;
5. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
6. 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;
7. The facility owner/operator shall file an annual report on a forecast of loads and resources pursuant to Conn. Gen. Stat. §16-50r;
8. This Declaratory Ruling may be transferred, provided the facility owner/operator/transferee 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
9. 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 August 11, 2020, and notice of issuance published in The Journal Inquirer.

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.