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| DOCKET NO. 497 – Burlington Solar One, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a 3.5-megawatt AC solar photovoltaic electric generating facility located at Lot 33, Prospect Street, Burlington, Connecticut and associated electrical interconnection. | } } } | Connecticut Siting Council |
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July 9, 2021

DRAFT Decision and Order

Pursuant to Connecticut General Statutes §16-50p and the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a 3.5 MW AC solar photovoltaic electric generating facility in Burlington, Connecticut and associated electrical interconnection, including effects on the natural environment, ecological balance, public health and safety, scenic, historic, and recreational values, agriculture, forests and parks, air and water purity, fish, aquaculture and wildlife are not disproportionate either alone or cumulatively with other effects compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application. Therefore, the Council directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to Burlington Solar One, LLC for the construction, operation, and maintenance of the 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 Certificate Holder 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 road, electrical interconnection including riser pole locations, equipment pads, fence design, equipment pads, 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 the 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, site grading, excess earth material disposal locations, site stabilization seeding/growing season details, soil stockpile locations, and an amended Petroleum Materials Storage and Spill Prevention Plan that is protective of groundwater resources including the response to a leak and/or spill of the transformer insulating fluid and relevant contact information and phone numbers;
 - d) Final Landscaping Plan including, but not limited to, landscape plantings, berms, pollinator plantings, and final seed mix;
 - e) Final eastern box turtle and eastern hognose snake protection plan;
 - f) Final structural design for solar module racking system stamped by a Professional Engineer duly licensed in the State of Connecticut; and

- g) Project construction hours/days of the week.
3. The Certificate Holder shall offer training to local emergency responders.
 4. The Certificate Holder shall provide the Council with a copy of necessary permits from any other state or federal agency with concurrent jurisdiction prior to the commencement of construction.
 5. In accordance with Section 16-50j-62 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction and the commencement of operation.
 6. Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within three years of the effective date of the Decision and Order, or within three years after all appeals to this Decision and Order have been resolved. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder 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 referred to in Condition 6 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on the Town of Burlington. Any proposed modifications to this Decision and Order shall likewise be so served.
 8. The Certificate Holder 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.
 9. The Certificate Holder shall file an annual report on a forecast of loads and resources pursuant to Conn. Gen. Stat. §16-50r.
 10. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.
 11. The Certificate Holder 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.
 12. If the Certificate Holder 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 Certificate Holder within 30 days of the sale and/or transfer.
 13. This Certificate may be surrendered by the Certificate Holder 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 person listed in the Service List, dated January 28, 2021, and notice of issuance published in the The Hartford Courant.

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.