

# DRAFT

**Petition No. 1583**  
**TRITEC Americas, LLC**  
**0.999 MW AC Solar Photovoltaic Electric Generating Facility**  
**Parcel Nos. 113-1 and 113-1-A, 428 Bethmour Road, Bethany, Connecticut**

**Staff Report**  
**June 14, 2024**

## Notice

On July 11, 2023, the Connecticut Siting Council (Council) received notice of election to waive exclusion from Council jurisdiction, pursuant to Connecticut General Statutes (CGS) §16-50k(e), and petition from TRITEC Americas, LLC (TRITEC) for a declaratory ruling, pursuant to CGS §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 0.999-megawatt AC solar photovoltaic electric generating facility and associated electrical interconnection located at Parcel Nos. 113-1 and 113-1-A, 428 Bethmour Road, Bethany, Connecticut (Petition or Project).

CGS §16-50k(e) states, "Any person intending to construct a facility excluded from one or more provisions of this chapter may, to the extent permitted by law, elect to waive such exclusion by delivering notice of such waiver to the council. Such provisions shall thereafter apply to each facility identified in such notice from the date of its receipt by the council." Under CGS §16-50i(a)(3), the Council has jurisdiction over electric generating facilities utilizing renewable energy sources with a generating capacity *of more than one megawatt*. (Emphasis added).

Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-40, on July 11, 2023 TRITEC notified Town of Bethany (Town) officials, state officials and agencies, and abutting property owners of the notice of election to waive exclusion from Council jurisdiction and the proposed Project.

Upon receipt of the Petition, on July 12, 2023, the Council sent a letter to the Town as notification that the Petition was received and is being processed, in accordance with CGS §16-50k(a) and invited the Town to contact the Council with any questions or comments by August 10, 2023.

On July 26, 2023, the Council on Environmental Quality submitted comments on the Project related to visibility, water resources and agriculture.<sup>1</sup> No other state agencies provided written comments on the Project.

While the Council is obligated to consult with and solicit comments from state agencies by statute, the Council is not required to abide by the comments from state agencies.<sup>2</sup>

On August 10, 2023, Senator Cabrera submitted comments on the Project related to resident concerns, including, but not limited to, water quality, wildlife, noise, light pollution, and the location of the proposed site.<sup>3</sup>

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<sup>1</sup> [https://portal.ct.gov/-/media/csc/3\\_petitions-medialibrary/petitions\\_medialibrary/mediapetitionnos1501-1600/pe1583/proceduralcorrespondence/pe1583\\_ceqcommentsrecd\\_a.pdf](https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1501-1600/pe1583/proceduralcorrespondence/pe1583_ceqcommentsrecd_a.pdf)

<sup>2</sup> *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007)

<sup>3</sup> [https://portal.ct.gov/-/media/csc/3\\_petitions-medialibrary/petitions\\_medialibrary/mediapetitionnos1501-1600/pe1583/proceduralcorrespondence/pe1583\\_pubform\\_town\\_official\\_hearing\\_cabrera\\_230810\\_a.pdf](https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1501-1600/pe1583/proceduralcorrespondence/pe1583_pubform_town_official_hearing_cabrera_230810_a.pdf)

### **Procedural Matters**

Pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act, an administrative agency is required to take an action on a petition for a declaratory ruling within 60 days of receipt. During a regular meeting held on August 3, 2023, pursuant to CGS §4-176(e), the Council voted to hold a public hearing in response to requests received between July 16, 2023 and July 31, 2023.

On August 1, 2023, the Town requested party status and Connecticut Environmental Protection Act (CEPA) status, and a public hearing. On August 17, 2023, during a public meeting, the Council granted the Town party and CEPA status, and approved a schedule for a public hearing that was to be held on October 5, 2023.

Pursuant to CGS §16-50m, on August 18, 2023, the Council sent a letter to the Town to provide notification of the scheduled public hearing via Zoom remote conferencing. On August 19, 2023, the Council published legal notice of the date and time of the public hearing via Zoom remote conferencing in the New Haven Register.

On August 23, 2023, the Rural Bethany Association (RBA) requested intervenor and CEPA intervenor status in the proceeding. On August 31, 2023, during a public meeting, the Council granted RBA intervenor and CEPA intervenor status.

The Council issued interrogatories to TRITEC, the Town and RBA on September 5, 2023. TRITEC submitted responses to the Council's interrogatories on September 19, 2023, one of which included photographic documentation of site-specific features intended to serve as a "virtual" field review of the Project site. RBA also submitted responses to the Council's interrogatories on September 19, 2023. The Town submitted responses to the Council's interrogatories on September 20, 2023.

On September 6, 2023, the Council held a pre-hearing conference on procedural matters for parties and intervenors to discuss the requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists, and filing of pre-hearing interrogatories, as well as the order of party and intervenor appearances and cross examination during the hearing. Procedures for the public hearing via Zoom remote conferencing were also discussed.

On September 25, 2023, TRITEC, the Town and RBA submitted a Joint Request for Stay and Written Consent to extend the 180-day statutory deadline for a final decision on the Petition under CGS §4-176(i).

During a public meeting held on September 28, 2023, the Council granted the Joint Request for Stay and acknowledged the Joint Written Consent among the parties and intervenors to extend the final decision deadline for an additional 180-days. The extended deadline for the Council to render a final decision on this Petition is no later than July 5, 2024.

On September 28, 2023, the Council issued a revised schedule with the extended deadline for the Council to render a final decision on the Petition pursuant to CGS §4-176(i). On September 30, 2023, the Council published notice of cancellation of the October 5, 2023 public hearing in the New Haven Register.

### **Conclusion**

Since the Council published notice of cancellation of the October 5, 2023 public hearing on September 28, 2023, nothing procedural or substantive has been filed by any party or intervenor to the proceeding.

Therefore, staff recommends the Council decline to issue a declaratory ruling due to the expiration of the statutory deadline for a final decision on the Petition under CGS §4-176(i) that cannot be extended for any longer period.