



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

[www.ct.gov/csc](http://www.ct.gov/csc)

### VIA ELECTRONIC MAIL

May 9, 2019

Steve Broyer  
Windham Solar LLC  
c/o Ecos Energy LLC  
222 South 9<sup>th</sup> Street, Suite 1600  
Minneapolis, MN 55402  
[steve.broyer@ecosrenewable.com](mailto:steve.broyer@ecosrenewable.com)

RE: **PETITION NO. 1222** - Windham Solar LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of three 2.0 Megawatt and four 1.0 Megawatt Solar Photovoltaic Electric Generating facilities located southeast of Hartford Turnpike and south of Fisk Road, Hampton, Connecticut.

Dear Mr. Broyer:

The Connecticut Siting Council (Council) is in receipt of the request for an extension of construction time for this declaratory ruling, dated May 9, 2019. Pursuant to Condition Nos. 2 and 3 of the Council's decision letter dated July 26, 2016, I have considered your request for an extension of construction time for this project and grant a two year extension of time until July 26, 2021, to complete the construction of this project.

This extension is granted with the understanding that the Council will be notified should Windham Solar LLC decide not to proceed with construction.

Sincerely,

Melanie A. Bachman  
Executive Director

c: The Honorable Allan Cahill, First Selectman, Town of Hampton  
John Guskowski, Town Planner, Town of Hampton  
The Honorable William Rose, IV, First Selectman, Town of Chaplin  
Jay Gigliotti, Zoning Enforcement Officer, Town of Chaplin

MAB/MP/laf



222 South 9<sup>th</sup> Street  
Minneapolis, MN 55402  
Phone: 612-326-1500  
E-mail: [steve.broyer@ecosrenewable.com](mailto:steve.broyer@ecosrenewable.com)  
May 9<sup>th</sup>, 2019

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

**Re: Petition NO. 1222 - Facility Construction Deadline Extension**

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Dear Melanie:

I'm writing to request that the Connecticut Siting Council (CSC) extend the three-year construction deadline for petition number 1222. Windham Solar LLC ("Windham") has been working with diligence and in good faith to achieve commercial operation of the Projects—three 2.0 MW and four 1.0 MW Solar Photovoltaic Electrical generation facilities on the site located southeast of Hartford Turnpike and South of Fisk Road, in Hampton, Connecticut —by the current deadline for construction. Significant time, effort and resources have been expended. Windham has already invested hundreds of thousands of dollars in the Projects. The current three-year construction deadline for the project is July 26<sup>th</sup>, 2019, and the Windham would like to request an extension of the construction deadline for an additional two years until July 26<sup>th</sup> of 2021.

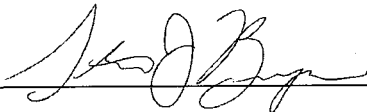
On March 28<sup>th</sup>, 2019, Windham Solar applied for a general stormwater permit for the project. (Attachment A) DEEP has 90 days to review the application with a deadline for response on or before July 26<sup>th</sup>, 2018. Windham Solar is currently working on the final design and interconnection for the first two 2.0MW solar facilities on the parcel. The intent is to interconnect and energize these initial projects by December of 2019, and then proceed with the remaining Projects in the following year. Upon the completion of the

design documents Windham Solar will be submitting a final D&M plan with the electrical and structural racking drawings to the CSC for approvals for the initial two 2MW facilities. The intent is to be beginning site construction in July or August of 2019.

The delay with the projects is a combination of factors. The delay common to all projects is the delay in completing the interconnection process. Another delay factor common to all projects is the dispute related to Eversource's obligations under federal and state law to agree to purchase the energy and capacity from the projects, which dispute involves cases currently before the Connecticut Appellate Court and the Superior Court.

A 2-year extension of the construction deadline for the project, should allow us to have the causes for the delays fully resolved for all the Projects.

Thank you,

A handwritten signature in black ink, appearing to read "Steve Broyer", is written over a solid horizontal line.

Steve Broyer

CC: Michael, Perrone, CSC Analyst  
John Guskowski, Hampton Town Planner (Consulting)  
Allan Cahill, Hampton First Selectman



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### CERTIFIED MAIL RETURN RECEIPT REQUESTED

July 26, 2016

Steve Broyer  
Windham Solar LLC  
c/o Ecos Energy LLC  
222 South 9<sup>th</sup> Street, Suite 1600  
Minneapolis, MN 55402

RE: **PETITION NO. 1222** - Windham Solar LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of three 2.0 Megawatt and four 1.0 Megawatt Solar Photovoltaic Electric Generating facilities located southeast of Hartford Turnpike and south of Fisk Road, Hampton, Connecticut.

Dear Mr. Broyer:

At a public meeting held on July 21, 2016, the Connecticut Siting Council (Council) considered and voted to approve the 6 MW proposed in Projects 1-5 and to deny the 2 MW proposed in the Future Project on the basis that the development plans and environmental impacts for the Future Project are incomplete and not ripe for review.

The Council ruled that the 6 MW proposed in Projects 1-5 would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need, with the following conditions.

1. 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. The D&M Plan shall be served on the Town of Hampton for comment and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) A final site plan for Projects 1 through 5 including, but not limited to, the electrical interconnection design, fence design and access drives;
  - b) Landscaping along Fisk Road on the subject property;
  - c) Erosion and sedimentation control plan consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control*;
  - d) A stormwater management plan consistent with the *2004 Connecticut Stormwater Quality Manual*;
  - e) Name and resume of an independent environmental inspector for Council review and approval;
  - f) Vernal Pool Habitat Impact Mitigation Plan;
  - g) Plans to avoid tree clearing during the June 1 through July 31 as a protective measure for the northern long-eared bat;
  - h) Use of off-road construction equipment that meets the latest EPA or California Air Resources Board standards, or in the alternative, equipment with the best available controls on diesel emissions, including, but not limited to, retrofitting with diesel oxidation catalysts, particulate filters and use of ultra-low sulfur fuel; and
  - i) Compliance with the provisions of Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies that limit the idling of mobile sources to 3 minutes;



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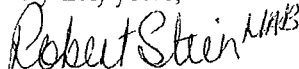
Affirmative Action / Equal Opportunity Employer

2. 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;
3. 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, if applicable, and the Towns of Hampton;
4. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
5. 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;
6. 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
7. 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.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition for Projects 1-5 dated March 15, 2016 and additional information received on May 2, 2016, June 29, 2016, and July 11, 2016.

Enclosed for your information is a copy of the staff report on this project.

Very truly yours,



Robert Stein  
Chairman

RS/MP/lm

Enclosure: Staff Report dated July 21, 2016

- c: The Honorable Allan Cahill, First Selectman, Town of Hampton  
Martha Fraenkel, Zoning Enforcement Officer, Town of Hampton  
Michael Melone, Windham Solar LLC, c/o Allco Renewable Energy Limited  
The Honorable Matthew Cunningham, First Selectman, Town of Chaplin  
Jay Gigliotti, Zoning Enforcement Officer, Town of Chaplin  
Tim Huchthausen, (via e-mail service)