



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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www.ct.gov/csc

CERTIFIED MAIL RETURN RECEIPT REQUESTED

May 13, 2016

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

RE: **PETITION NO. 1223** - SolarCity Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 3.9 Megawatt Solar Photovoltaic Electric Generating facility located on municipally-owned property off Old Forge Road, Rocky Hill, Connecticut.

Dear Attorney Baldwin:

At a public meeting held on May 12, 2016, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal 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. 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;
2. 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 Rocky Hill and Cromwell;
3. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
4. 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;
5. 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



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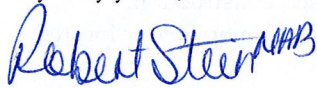
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6. If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact 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 dated March 24, 2016, and additional information dated April 25, 2016 and May 4, 2016.

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

Very truly yours,



Robert Stein
Chairman

RS/RDM/lm

Enclosure: Staff Report dated May 12, 2016

- c: The Honorable Claudia Baio, Mayor, Town of Rocky Hill
Guy Scaife, Town Manager, Town of Rocky Hill
Kimberly Ricci, Director of Planning, Town of Rocky Hill
The Honorable Enzo Faienza, Mayor, Town of Cromwell
Stuart B. Popper, AICP, Director of Planning and Development, Town of Cromwell
Joey Lee Miranda, Esq., Robinson & Cole LLP
Nichole Seidell, Director of Environmental Permitting, SolarCity Corporation



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Petition No. 1223

SolarCity Corporation

Old Forge Road, Rocky Hill, Connecticut

Staff Report

May 12, 2016

Introduction

On March 24, 2016, SolarCity Corporation (SolarCity) submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (Certificate) is required for the construction, operation and maintenance of a 3.9 megawatt (MW) direct current solar photovoltaic generating facility located south of Old Forge Road in Rocky Hill, Connecticut. Council member Larry Levesque, and Robert Mercier of the Council staff visited the site on April 27, 2016 to review this proposal. The field review was attended by SolarCity representatives Nichole Seidell and Michael Libertine, SolarCity support staff, and Town of Rocky Hill Mayor Claudia Baio, Economic Development Director Raymond Carpentino, Engineering Department representative Robert Alvarado, and Director of Community Development Jim Sollmi.

On or about March 23, 2016, SolarCity notified the Town of Rocky Hill, Town of Cromwell (within 2,500 feet of site), abutting property owners, and state officials and agencies of the project. To date, the Council has not received any comments from abutters. By letter to the Council dated April 22, 2016, the State Department of Public Health, Drinking Water Section, (DPH) recommended certain work procedures that would be protective of ground water beneath the site that is part of a public water supply aquifer protection area for the Gardiner Wellfield, an active public water supply source. DOT submitted correspondence to the Council on April 21, 2016 indicating that they had no comment.

Public Benefit

The project would be a "grid-side distributed resources" facility, as defined in Connecticut General Statutes (CGS) § 16-1(a)(37). CGS § 16a-35k establishes the State's energy policy, including the goal to "develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent." The 2013 Connecticut Comprehensive Energy Strategy emphasizes low- or no-emission sources of electric generation and development of more distributed generation. The proposed facility is distributed generation. Specifically, the proposed facility will contribute to fulfilling the State's Renewable Portfolio Standard as a zero emission Class I renewable energy source.

Proposed Site

The project would be located on the northern portion of a 61 acre property owned by the Town of Rocky Hill. The property is located south of Old Forge Road and is accessed by a gravel drive extending from Dividend Road. The property is located in the Rocky Hill Industrial Park and is zoned Office Park. The central portion of the property is used by the Town's Public Works Department for material storage and leaf composting. The remaining areas consist of shrubland and open sand areas. The property was a former sand and gravel extraction site.



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Surrounding land use includes developed commercial property to the northwest, a Town park to the north and west, an active rail line and undeveloped land to the east, and open land that was formerly a gravel and sand extraction site to the south.

Proposed Project

The solar field would be located on 24 acres in the northern portion of the property. The existing material storage and leaf compost areas would be relocated to other areas of the Town's property. The solar field would consist of 13,460 solar photovoltaic modules mounted on a post driven rack support system arranged in linear rows. The racking system and associated loading would be designed in accordance with the State building code.

The panels would be oriented to the south at a 30 degree angle. The solar panels would occupy approximately 19 acres of the site. The project includes three inverters and three transformers. The solar field would be enclosed with an eight-foot high chain link fence of two-inch mesh. Access to the site would be from Old Forge Road using an 1,000 foot long existing stone driveway that extends into the parcel. No upgrades to the access road are necessary.

The project would interconnect with Eversource's existing overhead 23-kilovolt three-phase distribution line using overhead poles to connect to existing service on Old Forge Road. SolarCity has entered into a power purchase agreement with the Town of Rocky Hill where the Town would purchase electricity generated by the facility pursuant to Connecticut's Net Metering or Virtual Net Metering Rules. The project would have an output of 3.0 MW AC.

Environment Considerations

The solar field area is a former gravel and sand extraction area that gently slopes to the east. No significant grading would be required to develop the project. The development area is dominated by autumn olive, an invasive shrub, interspersed with a few small diameter cottonwood trees. The site is not within a 100-year or 500-year flood zone.

The project development area does not contain any wetlands. Two wetland areas were identified near the project development area; one is located along the existing paved access drive into the site; the other is located 260 feet east of the solar field development area and across the active rail line. Development of the project would not adversely affect either wetland given their isolated location relative to the development area. Prior to the commencement of construction, erosion and sediment controls would be established in accordance with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control*.

The State Historic Preservation Office submitted correspondence to SolarCity indicating the project would have no adverse effect on the Dividend Brook Industrial Archeological District, a designated historic district in the abutting Town park to the north. The district contains historic mill ponds and associated building ruins.

The Department of Energy and Environmental Protection (DEEP) reviewed the project and determined the Big Sand Tiger Beetle, a State species of special concern, occurs in the southwest corner of the 61-acre parcel, away from the solar field development area. Although optimal habitat for the beetle, consisting of open, shifting sands, is not found in the project development area, SolarCity would implement a protection program to prevent potential impacts to suitable habitat areas adjacent to the construction site. The program would include contractor awareness training and physical barriers to prevent construction vehicles from entering the identified habitat area. No other State-listed species of concern were identified by DEEP as occurring near the site.

The stormwater management report developed for the project indicates all stormwater would be controlled in accordance with the *2004 Connecticut Stormwater Quality Manual*. Stormwater in the development area generally flows from the southwest to the northeast, towards an existing stormwater basin. The solar field area would be planted with turf, allowing for the slowing percolation of stormwater. Once completed, existing drainage patterns would be maintained and no increase in stormwater flows off-site are expected.

The DPH indicated the project site is located within the Gardiner Wellfield, an active public water supply source for portions of the Town of Cromwell. DPH reviewed the Aquifer Protection Plan included in the petition and recommended additional measures to ensure protection of this public water supply. SolarCity would include DPH's recommended measures in the project's Aquifer Protection Plan.

The project would not produce air or water emissions as a result of operation. A carbon debt analysis accounting for the loss of the shrubs and small trees in the project area in comparison to the solar power generated that displaces fossil fuel generation indicates net carbon reduction would begin after 2.4 years of site operation.

The proposed project is expected to meet the DEEP noise standards at the property boundaries. No residential development is near the site.

A Decommissioning Plan was included in the Petition and has provisions for project removal after a service life of up to 30 years.

Conclusion

The project is a grid-side distributed resource with a capacity of not more than sixty-five megawatts and meets air and water quality standards of DEEP. The proposed project will not produce air emissions, will not utilize water to produce electricity, was designed to minimize environmental impacts, and furthers the State's energy policy by developing and utilizing renewable energy resources and distributed energy resources.

Proposed Project Location

