

PETITION NO. 1310 - Quinebaug Solar, LLC petition for a } Connecticut
 declaratory ruling that no Certificate of Environmental }
 Compatibility and Public Need is required for the proposed } Siting
 construction, maintenance and operation of a 50 megawatt AC solar }
 photovoltaic electric generating facility on approximately 561 acres } Council
 comprised of 29 separate and abutting privately-owned parcels }
 located generally north of Wauregan Road in Canterbury, }
 Connecticut and south of Rukstela Road and Allen Hill Road in }
 Brooklyn, Connecticut. } December 7, 2017

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 50 MW Solar Photovoltaic Project on 29 separate and abutting privately-owned parcels located generally north of Wauregan Road in Canterbury, Connecticut and south of Rukstela Road and Allen Hill Road in Brooklyn, Connecticut would have a substantial adverse environmental effect, would not meet all applicable U.S. Environmental Protection Agency and Connecticut Department of Energy and Environmental Protection (DEEP) Water Quality Standards, and therefore, at this time, the Council will not issue a declaratory ruling and hereby denies without prejudice the petition for a declaratory ruling for the proposed solar photovoltaic electric generating project.

The Council finds that the petition is deficient in terms of plans for grading, erosion and stormwater control. As proposed, development of the project would result in development of 270 acres of a combination of early successional woodlands, gravel mines and agricultural fields. The Petitioner claims the project has been designed to comply with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* and to comply with the *2004 Connecticut Stormwater Quality Manual*. However, there is no information regarding site grading and erosion barriers nor is the “continuous process” of clearing and stabilizing 5-acre increments at a time over two days for stormwater control well-defined. Without sufficiently detailed information regarding grading, erosion and stormwater control, the Council is concerned about stormwater management, sedimentation impacts to wetlands and watercourses that are in close proximity to the limits of disturbance and the resulting detrimental effect on water quality.

The Council further finds that, as proposed, the project will have an adverse effect on water quality. The project design includes inadequate buffer areas around wetlands and vernal pools. As proposed, the project involves disturbance within the 100 foot vernal pool envelope of three pools and more than 25% development within the 750 foot critical terrestrial habitat of all eight vernal pools. The record contains substantial evidence demonstrating that species occurring, or potentially occurring, at the site contribute to the life cycle of the wetlands. The magnitude of the land disturbance associated with the proposed project site could alter the wetland ecology. Although QS concedes that development of the proposed project would impact the envelopes around the vernal pools on the site and concedes that there is no substitution for site-specific surveys, the failure to adequately respond to DEEP’s October 7, 2016 request for site-specific surveys or protection measures makes it unacceptable to issue a declaratory ruling.

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 September 20, 2017, and notice of issuance published in [The Norwich Bulletin](#).

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.