

**PETITION NO. 1313** – DWW Solar II, 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 a 26.4 megawatt AC solar photovoltaic electric generating facility on approximately 289 acres comprised of 5 separate and abutting privately-owned parcels located generally west of Hopmeadow Street (US 202/CT 10), north and south of Hoskins Road, and north and east of County Road and associated electrical interconnection to Eversource Energy’s North Simsbury Substation west of Hopmeadow Street in Simsbury, Connecticut.

} Connecticut

} Siting

} Council

December 21, 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 20 MW Solar Photovoltaic Project on approximately 289 acres comprised of 5 separate and abutting privately-owned parcels located generally west of Hopmeadow Street, north and south of Hoskins Road, and north and east of County Road and an associated electrical interconnection to Eversource Energy’s North Simsbury Substation in Simsbury, Connecticut would not have a substantial adverse environmental effect, would meet all applicable U.S. Environmental Protection Agency and Connecticut Department of Energy and Environmental Protection (DEEP) Air and Water Quality Standards, and therefore, the Council will issue a declaratory ruling for the proposed solar photovoltaic electric generating project.

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 is subject to 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 Towns of Simsbury and Granby for comment and all parties and intervenors on 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, the solar field areas, solar array design, all access roads and access ways, grading details, soil stockpile and disposition areas, wildlife-friendly fence design, underground electric wire detail, and electrical utility corridor and interconnection;
  - b. Erosion and sedimentation control plan consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control*;
  - c. Resource Protection Plan that include details for site clearing, grubbing, and stabilization details, including two rows of sedimentation barriers proximate to any wetland/watercourse area;
  - d. Site construction phasing plan with details of each clearing /earthwork phase. If phases are greater than five acres, a detailed rationale shall be provided as to why work phases should exceed five acres;
  - e. A stormwater management plan consistent with the *2004 Connecticut Stormwater Quality Manual*, including an analysis on the potential impact of driveways on stormwater flows, including, but not limited to potential diversion of stormwater away from wetlands;
  - f. Plans to comply with the recommendations outlined in DEEP’s “Stormwater Management at Solar Farm Construction Projects” dated September 8, 2017;

- g. Agricultural Protection Plan to reduce impacts to farmland soils during construction and operation of the facility, and restoration of the site at the end of its useful life if future use of the site will be agriculture;
  - h. Final plant and wildlife protection measures and/or seasonal restriction timelines for all DEEP-identified Natural Diversity Database species, as recommended by DEEP;
  - i. Preventative measures for breeding birds and forest roosting bats, including clearing restrictions or field surveys with subsequent avoidance measures;
  - j. Identification of barns to be retained at the Project Site;
  - k. Identification of areas for fuel storage and equipment refueling outside of the aquifer protection area;
  - l. Compliance with Department of Public Health Public Water regulations and consultation with the Department of Public Health to develop a Project Aquifer Protection Program;
  - m. Construction schedule, including, work days and hours;
  - n. Construction traffic management measures;
  - o. Visual Mitigation Plan, including but not limited to, landscape plantings and fencing, where appropriate;
  - p. Post-construction restoration plan, including appropriate seed mixes, plantings, one-acre of model pollinator habitat, and proposed use/management of the non-Project field area on Parcel 5;
  - q. Vegetation Management Plan including, but not limited to, provisions for frequency of mowing and vegetation maintenance that incorporate any DEEP-required seasonal restrictions, post-construction site inspections on a quarterly basis, and plans to remove and dispose of any accumulated sediment and debris that could affect stormwater patterns; and
  - r. Decommissioning Plan to include a listing of all materials to be removed, methods of removal, and any above-ground and subsurface materials to remain.
2. The Petitioner shall immediately seed the agricultural fields for erosion and dust control upon assuming control of the Project Site, weather permitting.
3. 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;
4. 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;
5. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
6. 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;

7. 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
8. 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.

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 October 26, 2017, and notice of issuance published in 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.