STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Nutmeg Solar, LLC, petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 19.6-megawatt AC solar photovoltaic electric generating facility on approximately 162 acres comprised of 9 separate parcels located generally south of Bailey Road and east of Route 191 (Broad Brook Road), and associated electrical interconnection to Eversource Energy's Scitico Substation at 20 Bailey Road in Enfield, Connecticut	Petition No. 1352 February 25, 2019

POST-HEARING BRIEF OF NUTMEG SOLAR, LLC

Nutmeg Solar, LLC ("Nutmeg Solar" or "Petitioner") submits this post-hearing brief in support of its October 19, 2018 Petition for a Declaratory Ruling that no Certificate of Environmental Compatibility and Public Need ("Certificate") is required for the construction, operation and maintenance of a 19.6 megawatt ("MW") alternating current ("AC") ground-mounted solar photovoltaic ("PV") facility and associated equipment to be constructed in Enfield, Connecticut (the "Project").

I. PROCEDURAL HISTORY

A. Pre-Petition History

1. DEEP Requests for Proposals

The Tri-State RFP was jointly issued on November 12, 2015 by the States of Connecticut, Rhode Island and the Commonwealth of Massachusetts to solicit new clean energy projects from private developers.[1] The Tri-State RFP sought projects that would help the soliciting parties achieve

[1] *See* Notice of Request for Proposals From Private Developers for Clean Energy and Transmission, *available at* https://cleanenergyrfpdotcom.files.wordpress.com/2015/11/clean-energy-rfp-final-111215.pdf (November 12, 2015).

their respective clean energy goals.[2] On January 29, 2016, the Project was bid into the Tri-State RFP.[3] The Project was thereafter also submitted to The Department of Energy and Environmental Protection's ("DEEP's") Small-Scale Clean Energy RFP ("Small-Scale RFP") which solicited proposals for Class I renewable energy projects between 2 to 20 MW.[4] Thirty-one proposals were submitted to DEEP for evaluation in the Tri-State RFP and 107 proposals were submitted for evaluation in the Small-Scale RFP. DEEP evaluated and compared jointly the costs and benefits of all projects submitted under both the Tri-State RFP and the Small-Scale Clean Energy RFPs. The Project was selected under both RFPs and Nutmeg Solar subsequently decided to move forward with the Small-Scale RFP selection process.

On October 25, 2016, the DEEP Commissioner directed the Connecticut electric distribution companies to negotiate with selected projects, including Nutmeg Solar. As a result, Nutmeg Solar entered into power purchase agreements with The Connecticut Light and Power Company d/b/a Eversource Energy ("Eversource") and The United Illuminating Company which, once finalized, were submitted to the Public Utilities Regulatory Authority ("PURA") for review on June 26, 2017 as part of Docket 17-01-11, *PURA Review of Public Act 15-107(b) Small-Scale Energy Resource Agreements*. PURA issued a Final Decision approving the power purchase agreements on September 7, 2017.

2. Project Outreach

Beginning in late 2016, Nutmeg Solar conducted outreach efforts with Town officials, abutting property owners, residents of Enfield, state elected officials, regulators, and other stakeholders in order to establish an ongoing dialogue to keep these parties apprised of the Project's

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[2] In Connecticut, the RFP was solicited pursuant to Sections 6 and 7 of Connecticut Public Act 13-303, *An Act Concerning Connecticut's Clean Energy Goals* and Section 1(c) of Connecticut Public Act 15-107, *An Act Concerning Affordable and Reliable Energy*, codified at Conn. Gen. Stat. §§ 16a-3j, 16a-3f & 16a-3g.

[3] The Project was bid into the Tri-State RFP by Enfield Solar, LLC.

[4] This RFP was issued pursuant to Sections 6 and 7 of Connecticut Public Act 13-303, and Section 1(c) of Public Act 15-107, as well as the DEEP Commissioner's authority under Conn. Gen. Stat. § 16a-14. *See* DEEP Notice of Final Determination, Sections 1(B) and 1(C) of P.A. 15-107: Small Scale Clean Energy RFP, *available at* http://www.dpuc.state.ct.us/DEEPEnergy.nsf/c6c6d525f7cdd1168525797d0047c5bf/b7b7160310442fda85258079005c2534/$FILE/2017.06.27_FINAL%20Small%20Scale%20RFP%20Decision.pdf (June 27, 2017).

progress and an effective means of receiving constructive feedback on the Project. Nutmeg Solar's main outreach efforts[5] included:

- August 1, 2017 – Abutter Outreach Event held on site;
- September 26, 2017 – Public Information Session held on site;
- February 22, 2018 – Public Information Session hosted by State Representative Carol Hall;
- June 4, 2018 – Presentation to Enfield Town Council;
- August 7 and 8, 2018 – Pre-Filing Meetings with DEEP and Department of Agriculture; and
- November 7, 2018 – Town Official Site Visit and Q&A.

II. PROJECT DESCRIPTION

A. Project Siting

The proposed Project location consists of nine parcels, totaling 162 acres, located in the southeast portion of the Town of Enfield ("Project Site") that have been secured through a combination of lease and option to purchase agreements. Nutmeg Solar proposes to develop 131 acres within the 162-acre Project Site ("Development Area"). The proposed Development Area is comprised of an efficient Project footprint that will result in the lowest level of impact and alteration necessary while still meeting the Project purpose and need.[6]

The Project Site is generally bound by Bailey Road to the north, Broad Brook Road to the west, forested areas to the south, and an existing Eversource transmission line to the east. The western portion of the Project Site consists of predominantly flat areas currently used as agricultural fields with accompanying outbuildings, most recently for the cultivation of tobacco and gourd crops. The eastern portion of the Project Site consists of mixed second-growth forest. There is evidence of past timber harvesting and gravel extraction activities in this forested area and an existing network of recreational vehicle trails and tree stands indicates that its current uses include hunting and recreational activities.

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5 *See* Petition, Exhibit N, Project Outreach Log (as revised on December 28, 2018).
6 Petition, Section 3.2.

The Project Site is in a mixed rural and agricultural area, with residential homes situated generally north and west of the Project Site. A locally-owned orchard is located to the northeast, and a ready mix concrete plant is located immediately east of the Project Site. The Project is not sited on any parcels that contain core forest, wetlands or DEEP National Diversity Database ("DEEP NDDB") habitat.[7]

B. The Project

The proposed Project is a 19.6 MW AC fixed-tilt solar PV energy system that will consist of solar modules, inverters, a collector substation, site roads, fencing, buried collection and transmission lines, as well as stormwater management features. The Project will interconnect and deliver energy to the ISO-New England grid at Eversource's 115 kilovolt Scitico Substation via an approximately 500-foot underground transmission line originating from the Project's collector substation, which will be situated along the existing Scitico Substation's southern border. Nutmeg Solar will design, construct, own, and maintain the collector substation up to the point of change of ownership located on the collector substation's terminal structure.[8] Eversource will design, construct, own, and maintain the underground transmission line from the collector substation terminal structure and all modifications within the Scitico Substation.

Nutmeg Solar will install solar PV modules in linear arrays oriented generally east-west across the Development Area. Arrays will face south and be tilted at approximately 25 degrees. Each array will consist of modules mounted on fixed vertical posts that will be installed using a pile driver or drill.

The Project is proposed to be constructed using a phased approach in order to minimize potential construction-period stormwater impacts and to comply with DEEP guidance. Tree clearing and other pre-construction activities are anticipated to commence in the fourth quarter of 2019 and be completed in the first quarter of 2020. Subsequent construction is anticipated to commence in the

[7] Petition, Section 3.3.
[8] Petition, Section 3.8.

second quarter of 2020, and conclude in the fourth quarter of 2020.[9] Project phasing and construction-period stormwater controls will be installed in accordance with the DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities ("Stormwater General Permit").[10]

During operation, the Project will be remotely monitored and Nutmeg Solar staff and/or its authorized subcontractors will perform site maintenance and inspections pursuant to the Operations and Maintenance Plan.[11] At the end of its anticipated 30-year life, Nutmeg Solar will decommission the Project by removing all system components and rehabilitating the Project Site to pre-construction conditions, thereby allowing agricultural uses to resume or forest habitats to regenerate.[12]

C. Public Benefit

Special Session Public Act 05-1, *An Act Concerning Energy Independence*, portions of which were codified in Conn. Gen. Stat. § 16-50k, established a rebuttable presumption that there is a public benefit for electric generating facilities selected in RFPs. As the Project was selected in a competitive DEEP RFP, it is presumed to have a public benefit.

In addition, the Project will help foster Connecticut's goal to develop "renewable energy resources, such as solar and wind energy, to the maximum practicable extent" pursuant to Conn. Gen. Stat. § 16a-35k. Connecticut's 2018 Comprehensive Energy Strategy states that "over the next thirty years, Connecticut will need to procure more carbon-free power to meet the Global Warming Solutions Act goals of reducing emissions by 80 percent from 2001 levels by 2050."[13] Nutmeg Solar will also help the State meet its commitments under the Connecticut Renewable Portfolio Standard to source 40% of its electricity supply from Class I renewable energy sources by 2030.[14]

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9 *See* Petition Section 3.5 and Response to CSC-65 for additional detail.
10 *See also* Petition, Exhibit K – Stormwater Management Report, Section 3.2.3.
11 Petition, Exhibit H, Operations and Maintenance Plan.
12 Petition, Exhibit L, Decommissioning Plan.
13 2018 Comprehensive Energy Strategy, *available at* https://www.ct.gov/deep/lib/deep/energy/ces/2018_comprehensive_energy_strategy.pdf, Page 28.
14 Conn. Gen. Stat. § 16-245a, as amended by Public Act 18-50, *An Act Concerning Connecticut's Energy Future*.

III. LEGAL STANDARD

Pursuant to Conn. Gen. Stat. §§ 16-50k(a) and 4-176(a), and 16-50j-38 *et seq*. of the Regulations of Connecticut State Agencies ("RCSA"), Nutmeg Solar requested that the Council issue a declaratory ruling that no Certificate is required for the construction, maintenance and operation of the Project. Conn. Gen. Stat. § 16-50k(a) provides:

> Notwithstanding the provisions of this chapter or title 16a, the council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling . . . (B) the construction or location of any . . . grid-side distributed resources project or facility with a capacity of not more than sixty-five megawatts, as long as: (i) Such project meets air and water quality standards of the Department of Environmental Protection . . .

Conn. Gen. Stat. §§ 16-50k and 4-176 and RCSA § 16-50j-38 *et seq*. provides the Council with authority to approve a petition for declaratory ruling so long as the facility will not have a substantial environmental impact and therefore would not require a Certificate. The Council has previously indicated that, in determining whether a facility has a substantial environmental impact, the Council must consider the criteria laid out in Conn. Gen. Stat. § 16-50p, which includes the consideration of:

> [t]he nature of the probable environmental impact of the facility . . . including a specification of every significant adverse effect, including, but not limited to, electromagnetic fields that, whether along or cumulatively with other effects, on, and conflict with the policies of the state concerning the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish, aquaculture and wildlife.[15]

However, this additional review is specifically limited by the language of section 16-50k, which states that approval shall be granted "[n]otwithstanding the provisions of this chapter or title 16a," so long as the air and water quality standards of the DEEP are met. The Connecticut Supreme Court has recognized and affirmed the scope of the Council's jurisdiction under Conn. Gen. Stat. §§ 16-50k and 4-176(a) and its authority pursuant thereto.[16]

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[15] Conn. Gen. Stat. § 16-50p(3)(B).

[16] *See FairwindCT, Inc. v. Connecticut Siting Council*, 313 Conn. 669, 677-685, 99 A.3d 1038 (2014).

IV. ARGUMENT

A. The Project meets the criteria for approval by Petition for Declaratory Ruling pursuant to Conn. Gen. Stat. § 16-50k(a)

The Project is a "grid-side distributed resources" facility, as defined in Conn. Gen. Stat. § 16-1(a)(43), because the Project involves "the generation of electricity from a unit with a rating of not more than sixty-five megawatts that is connected to the transmission or distribution system . . . ." The record confirms that the Project complies with DEEP air and water quality standards as further discussed below. The language of section 16-50k is equally clear and unambiguous: so long as a grid-side distributed generation project of 65 megawatts or less meets the air and water quality standards of DEEP, the Council shall grant approval of that project by declaratory ruling. Thus, approval of the Project is appropriate under Conn. Gen. Stat. § 16-50k(a). Finally, even if a heightened standard of review is applied to this Petition as discussed above, the record is clear that the Project will not have a substantial environmental impact. Therefore, the Petition must be granted.

B. The Project as proposed will meet applicable DEEP air and water quality standards

1. Air Quality

The Project will produce minimal emissions of regulated air pollutants and greenhouse gases during construction and no air permit will be required during operation. During construction of the Project, any air emission effects will be temporary, and will be controlled by enacting appropriate mitigation measures (e.g., water for dust abatement and limiting the idling of construction vehicles). Any potential air effects as a result of the Project construction activities will be *de minimis.*

During operation, the Project will not produce air emissions of regulated air pollutants or greenhouse gases (e.g., PM_{10}, $PM_{2.5}$, volatile organic compounds or ozone), and no air permit will be required. Pursuant to DEEP recommendations, Nutmeg Solar will make reasonable efforts to use regionally available off-road construction equipment that meets the latest U.S. Environmental

Protection Agency or California Air Resources Board standards for diesel emissions, as applicable.[17] Nutmeg Solar will further employ industry best practices where possible, including the best available controls on diesel emissions in addition to the use of ultra-low sulfur fuel in an effort to further reduce exhaust emissions during construction. In addition, the Project represents an opportunity for significant emissions reductions in greenhouse gases compared to traditional gas-fired generation.[18] As a result, the Project will not have an adverse impact on air quality.

2. Water Quality

No wetland or stream resources that fall under the jurisdiction of the United States Army Corps of Engineers, the Town of Enfield Inland Wetlands and Watercourses Agency, or DEEP are located on the Project Site. The Project will not require a dedicated water supply during operation, nor will it require water for the production of energy. Water to be used for dust abatement or module cleaning, if necessary, will be brought to the site. Any water utilized during construction will be minimal and have no impact on the water quality in the vicinity. In addition, no impacts to groundwater quality are anticipated. Thus, no impacts on area water quality or supply are expected during the construction or operation of the Project.

C. The Project will not have an adverse environmental effect

1. Natural Environment and Ecological Balance

The Petitioner conducted comprehensive environmental assessments during the Project's development which informed the Project's final design. The proposed Project has been designed to avoid and minimize natural resource impacts to the greatest extent practicable, and maximize use of existing cleared and disturbed areas in accordance with permitting guidelines and federal and state regulations.[19]

Clearing and minimal grading activities will be required to prepare the Development Area to support the proposed Project. The Petitioner will utilize existing grades to minimize earth work

[17] Petition, Section 6.4.
[18] *See* Exhibit M of the Petition and Exhibit CSC-45 (as revised on January 2, 2019).
[19] *See* Petition, Section 6.

where possible. No grading is required in the areas of proposed panel installation. Approximately 91 acres of tree clearing is estimated to be necessary to construct the Project.

The Petitioner will minimize herbicide use through targeted spot treatments, as needed, and implement environmentally responsible, best management practices (e.g., avoiding application prior to a rain event).[20] In addition, as part of the Project's operation and maintenance activities, the Petitioner will monitor and manage invasive plants at the site.[21]

2. Stormwater Management

The Project's stormwater design will manage stormwater runoff and minimize soil movement in order to avoid impacting water quality. The construction and operation of the Project as proposed will not lead to an increased volume or rate of stormwater flow. The Project has been designed to comply with the 2004 Connecticut Stormwater Quality Manual for both Water Quality and Recharge and the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.[22] Nutmeg Solar has prepared a Stormwater Pollution Control Plan ("SWPCP") that was approved by DEEP on January 9, 2019 in accordance with the General Permit for the Discharge of Stormwater and Dewatering Wastewater for Construction Activities.[23]

The approval of the Project in accordance with the Stormwater General Permit is the culmination of a collaborative process intended to meet DEEP's evolving best practices for stormwater management. The Petitioner met with DEEP in February 2018 and August 2018 to discuss specific expectations for construction-period stormwater design and the phased approach.[24] Based on these consultations with DEEP, stormwater design will be installed in sub-phases to control stormwater flows during construction. A mixture of sub-phase sizes will be installed, utilizing a combination of sediment basins and traps. Multiple sub-phases may be active concurrently and are

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20 Petitioner's Exhibit 12 – Petitioner's Response to Enfield Town Council Comments (January 23, 2019).
21 *Id.*
22 *See* Petition, Exhibit K – Stormwater Management Report.
23 *See* Testimony of Mr. Huntley, Evidentiary Hearing Transcript, Page 10 (January 10, 2019).
24 *See* Petition, Section 3.5 and Exhibit N – Project Outreach Information for the DEEP Meeting Minutes.

designed to discharge to separate upland locations in accordance with DEEP guidance and the requirements of the Stormwater General Permit.[25]

3. Wildlife

The Project as proposed incorporates a number of mitigation measures, including: fencing with a six-inch gap at the bottom to allow for passage of wildlife, cultivation of meadow habitat beneath the solar array, and use of low-impact vegetation management practices. Field surveys for threatened, endangered, and species of special concern were conducted at the Project Site in 2017 and 2018. These surveys included northern long-eared bat presence/absence surveys and a threatened/endangered/species of special concern habitat survey. Several pre-hearing meetings were conducted with DEEP Wildlife Division staff.[26] During one such meeting on February 13, 2018, DEEP representatives indicated further amphibian and reptile studies would be required.[27] In response Nutmeg Solar undertook a general herpetological inventory and an eastern spadefoot toad survey in the spring and summer of 2018. An initial Environmental Site Conditions Report was submitted to DEEP NDDB on March 16, 2018 and the results of the additional fieldwork along with an Avoidance and Mitigation plan were submitted to DEEP NDDB on July 27, 2018. Shortly thereafter, DEEP NDDB issued a letter concurring with the results of the Nutmeg Solar field studies and Avoidance and Mitigation Plan on August 3, 2018.[28]

In consideration of the results of the comprehensive environmental surveys, the Project has been designed to avoid and minimize impacts to wildlife habitat, including to the single vernal pool identified on site. Amphibian breeding activity was observed in one area during the two consecutive years of vernal pool surveys that were completed for the Project. In most years this vernal pool likely functions as a sink for amphibians due to the pool's human-made origin and short hydroperiod.

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25 *See* Petition, Section 6.15. *See also* Petition, Exhibit K – Stormwater Management Report, Section 3.2.3.

26 *See* Petition, Exhibit N, Public Outreach Information and Petition, Exhibit N, Project Outreach Log (as revised on December 28, 2018).

27 *Id.*

28 *See* Petition, Exhibit D, Appendix D.

Utilizing a conservative approach, the Petitioner designed the Project to avoid potential impacts to the vernal pool, including maintenance of a forested directional corridor. The US Army Corps of Engineers' Vernal Pool Directional Buffer Guidance document was used to inform the proposed directional buffer.[29] The vernal pool appears to have been created decades ago through previous gravel extraction activities and while it may not always contribute to the local amphibian population, it provides value to other species as a temporary water source and generally serves to support biodiversity of the local area. Moreover, maintaining the vernal pool envelope and directional corridor provides other benefits, including forest cover, retention of the pool's water quality, and a source of organic inputs that serve as the base of the food web and food source for small insects:

> The critical terrestrial habitat surrounding the pool is comprised of 67.1% forest. Combined with the vernal pool envelope, this forested area provides suitable terrestrial habitat for wood frog, spotted salamander, and other amphibian species. The shade, leaf litter, and coarse woody debris within this forest provide protection from desiccation and predation, and also provides habitat for amphibian prey – all components of diurnal refugia.[30]

Importantly, DEEP NDDB concurred with the Petitioner's conservative approach, stating that the Project's design and Avoidance and Mitigation Plan will "lessen the impacts of this project on any amphibian or reptile that may occur within this project footprint."[31]

During the January 24, 2019 Evidentiary Hearing, it was suggested that Nutmeg Solar consider revising its plan to eliminate the vernal pool. However, the vernal pool and associated forested corridor do not provide substantial suitable land for additional solar arrays and associated project redesign.[32] The majority of the area that is currently wooded to the east of the pool is steeply sloped and sits at a higher elevation than the pool. More clearing would be required to accommodate additional panels and the internal site road in this area. Further clearing would be required to provide

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[29] See Petition, Exhibit D – Environmental Site Conditions Report, Appendix E: Herpetofauna Avoidance and Mitigation Plan.

[30] *See* Petition, Exhibit D – Environmental Site Conditions Report, Appendix C: Natural Resources Survey Reports – Vernal Pool Survey and General Herpetological Inventory of the Nutmeg Solar Project prepared by FB Environmental Associates, Page 8.

[31] *See* Petition Exhibit O, Correspondence from DEEP NDDB dated August 3, 2018.

[32] *See* Testimony of Mr. Huntley, Evidentiary Hearing Transcript, Page 144 (January 24, 2019).

the necessary buffer to avoid shading impacts from the trees on the steeper slopes to the east of the vernal pool. As the topography rises, the trees that will impact the project via shading increases, increasing the area required to be cleared to avoid shading impacts.[33] As such, the potential relocation of solar panels to the forested corridor would not result in a more efficient Project footprint.[34]

From a stormwater perspective, steeper slopes are generally more difficult to stabilize following clearing and grubbing activities. The Project, as proposed, avoids the need to clear trees on steep slopes within the Project Site (i.e., slopes 20 percent or greater). Installation of panels within the forested directional corridor would require clearing on these steep slopes. While stormwater could be managed from additional development in this area, Project redesign may require revisions to the SWPCP that has been approved by DEEP in accordance with the Stormwater General Permit.[35]

Furthermore, the currently wooded area between the western and eastern array serves to provide a visual buffer of the eastern array from Broad Brook Road. Clearing trees in this area to accommodate more panels, and to reduce shading impacts to the new panels, would likely increase visibility of the eastern array from the west, specifically from Broad Brook Road. The Petitioner testified at the Continued Evidentiary Hearing that the design is well-suited for the Project Site and should not be modified.[36] The Petitioner respectfully submits that the addition of panels in the forested corridor area is not warranted from an environmental or engineering perspective, and that the Project design should be approved as proposed.

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33 *See* Testimony of Mr. Huntley, Evidentiary Hearing Transcript, Pages 142, 144-145 and 152-53 (January 24, 2019).
34 *See* Testimony of Mr. Huntley, Evidentiary Hearing Transcript, Page 145 (January 24, 2019).
35 *See* Testimony of Mr. Singer, Evidentiary Hearing Transcript, Page 146 (January 24, 2019).
36 *See* Testimony of Mr. Huntley, Evidentiary Hearing Transcript, Pages 142-43 (January 24, 2019).

D. The Project will not adversely impact historic resources or health and safety

1. Public Health and Safety

The Project will meet or exceed applicable industry, federal, state, and local safety codes and standards, including the National Fire Protection Association, and will not pose a safety concern or create undue hazard to the general public. Nutmeg Solar will meet with and train first responders as to best prepare for a potential emergency event. The Petitioner's remote monitoring and operations capabilities include the ability to perform real-time equipment diagnostics and remotely shut down all or parts of the facility if needed.

2. Scenic and Historic Values

The Project as proposed will produce minimal reflectivity and glare.[37] Visual impacts have been mitigated, as immediate foreground threshold views into the Project site are limited due to existing or proposed vegetative screening as well as topography. Moreover, the Project will not produce significant noise during operation, and will operate well below the noise limits prescribed by Connecticut noise control regulations and the Town of Enfield Code of Ordinances.[38]

Finally, ongoing conversations with the State Historic Preservation Office ("SHPO") indicate that they concur with the findings of the Petitioner's Phase 1B Cultural Resources Survey Report, "that additional archeological investigations of the project areas are not warranted."[39] The Petitioner continues to discuss the ultimate resolution of two of the tobacco barns with SHPO, and will continue to update the Council on its discussions with SHPO, including through any Development and Management Plan, should the Council so require.

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37 *See* Petition, Exhibit R – FAA Determinations and Response to CSC-95.
38 RCSA § 22a-69-1 and the Town of Enfield Code of Ordinances, Chapter 38, Article IV.
39 *See* Response to Late File Exhibit B, Attachment 2 – SHPO Concurrence Letter.

V. CONCLUSION

The evidence in the record establishes that the Project will meet DEEP air and water quality standards, provides significant benefits to the Town of Enfield as well as the State of Connecticut and will not have a substantial adverse environmental effect. Accordingly, Nutmeg Solar respectfully submits that the Council must issue a declaratory ruling approving the Petition based on the record in the above-referenced proceeding.

Respectfully submitted,

NUTMEG SOLAR, LLC

By:_____

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CERTIFICATION

This is to certify that on this 25th day of February, 2019, an original and fifteen (15) copies of the foregoing were sent by express mail to The Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut 06051, one copy was served on all other known parties and intervenors electronically and by depositing the same in the United States mail, first class postage prepaid on this 25th day of February, 2019 and an electronic copy was provided to the Connecticut Siting Council.

David W. Bogan, Esq.