

PETITION NO. 1104 – The United Illuminating Company } 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 2.2 MW AC solar } photovoltaic facility and a 2.8 MW AC Fuel Cell facility on } approximately 22 acres of the former Seaside Landfill located at 350 } Waldemere Avenue, Bridgeport, Connecticut.	Connecticut Siting Council November 13, 2014
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Decision and Order

Pursuant to Connecticut General Statutes § 16-50k(a) and Connecticut General Statutes §4-176 and the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and operation of a 2.2 megawatt (MW) solar photovoltaic facility and a 2.8 MW fuel cell facility in the City of Bridgeport 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) Ambient Air Quality Standards and Water Quality Standards, would be in accordance with stated goals of Public Act No. 11-80: *An Act Concerning the Establishment of the Department of Energy and Environmental Protection and Planning for Connecticut’s Energy Future*; and therefore, would not require a Certificate of Environmental Compatibility and Public Need.

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 (D&M) Plan for the project 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 City of Bridgeport for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final plan(s) of site development to include specifications for both the solar facility and fuel cell facility including infrastructure, electrical equipment, equipment compound, access and maintenance roads, utility connections, and landscaping;
 - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended;
 - c) consideration of the use of waste heat from fuel cell operations to supply energy to a thermal loop or nearby industrial user;
 - d) detail for the installation of the fuel cell facility and adjacent switchgear at a ground elevation of 15 feet above mean sea level;
 - e) construction work hours; and
 - f) a decommissioning plan.

2. The fuel cell facility shall be constructed in compliance with Public Act 11-101, An Act Adopting Certain Safety Recommendations of the Thomas Commission.

3. Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within four years of the effective date of this Decision and Order or within four years after all appeals of this Decision and Order have been resolved. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Petitioner shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.

4. The Petitioner shall provide the Council with written notice of the commencement of site clearing and completion of construction for each facility.
5. The Petitioner shall submit a first year operating report within three months after the conclusion of the first year of operation that includes a discussion of the number of hours of operation and the amount of energy generated by each facility.
6. The Petitioner shall provide the Council with not less than 30 days written notice that one or both facilities comprising the project will cease operation.
7. The Petitioner, or its successor, shall cause all equipment and appurtenances to be dismantled and removed from the host property within one year after the cessation of operations of one or both facilities comprising the project.
8. Any request for extension of the time period referred to in Condition 3 shall be filed with the Council not later than 60 days prior to the expiration date of said time period and shall be served on all parties and intervenors, as listed in the service list, and the City of Bridgeport. Any such request for extension shall state the reason(s) for which an extension is being sought.
9. This Declaratory Ruling may be transferred, provided both the facility owner/operator/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the facility owner/operator/transferor and the transferee shall provide the Council with a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.
10. The Petitioner shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the project under Conn. Gen. Stat. §16-50v.

By this Decision, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding, as listed in the Service List dated August 21, 2014, in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.