

STATE OF CONNECTICUT :

v. :

FUSION SOLAR CENTER, L.L.C. and :

D.E. SHAW RENEWABLE ENERGY :

INVESTMENTS, L.L.C. :

CEASE AND DESIST ORDER NO. 2017004DEEP

Date Issued: November 9, 2017

A. The Commissioner of Energy and Environmental Protection (“the Commissioner”) finds:

1. Fusion Solar Center, L.L.C. (“Fusion”) and D.E. Shaw Renewable Investments, L.L.C. (“DESRI”), are both Delaware corporations with a business address of 1166 Avenue of the Americas, 9th floor, New York, NY 10036. Fusion and DESRI are collectively referred to as the Respondents and are each, as individual entities, a Respondent to this order.
2. The Respondents are currently engaged in the construction of a solar field array located at 111 Potash Hill Road, in Sprague Connecticut (“the Site”). The Site is approximately 140 acres and slopes from north to south.

STORMWATER VIOLATIONS

3. Construction of this solar array has or will disturb greater than one acre at the Site and as such, requires, among other permits, a stormwater discharge permit from the Commissioner.
4. On July 18, 2016, Fusion submitted to the Department of Energy and Environmental Protection (“DEEP”) a registration under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (“the General Permit”). On November 15, 2016, Fusion’s registration was approved by the Commissioner, as registration No. GSN003054. The approval included a stormwater pollution control plan (“SWPCP”) that was subsequently amended on January 3, 2017.
5. Pursuant to Section 5(b)(2)(A) of the General Permit and the Site’s SWPCP, all temporary sediment traps and basins are required to be installed prior to the start of grading activities.

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6. Since the approval of registration No. GSN003054 the Respondents have consistently and repeatedly violated the requirements of the General Permit and the SWPCP, resulting in unpermitted discharges from the Site. The violations that DEEP is currently aware of include the following.
7. On March 7, 2017, staff from DEEP's Water Permitting and Enforcement Division ("WPED") inspected the Site and found the following violations:
 - a. Failure to install and maintain sediment traps and basins (structural practices) in accordance with the requirements of Section 5(b)(2)(A) of the General Permit and the 2002 CT Guidelines for Soil Erosion and Sediment Control as incorporated into the General Permit; and
 - b. Failure to conduct and maintain records of a stormwater plan implementation inspection in accordance with Section 5(b)(4)(A) of the General Permit.
8. On both April 4 and April 12, 2017, the Site was inspected by personnel from the engineering firm of Fitzgerald and Halliday, an independent third party. In reports of this inspection, Fitzgerald and Halliday found violations similar to those observed by DEEP on March 7, 2017 including, but not limited to, its conclusion that temporary sediment traps and basins at the Site were "non-conforming."
9. On April 25, 2017, based upon the results of its March 7, 2017 inspection, DEEP issued Notice of Violation No. WRSW 17 004 ("NOV") to Fusion.
10. On May 5, 2017, the Site experienced a failure of temporary sediment basin SB-3. The failure resulted in sediment discharges to the waters of the state, adjacent properties, and roadways as reported by Respondents' onsite contractor, Depcom Power, to DEEP.
11. In a May 11, 2017 response to DEEP's NOV, DESRI submitted a Compliance Statement. In this statement DESRI stated that all temporary sediment basins and traps had been installed as of March 20, 2017, even though in April 2017, Fitzgerald and Halliday found such traps and basins to be non-conforming.
12. On May 15, 2017, DEEP's staff inspected the Site and found continuing violations of the General Permit and the Site's SWPCP. Although grading activity was taking place as early as February 2017, and all the temporary sediment traps and basins should have been completed prior to disrupting the Site, the temporary sediment basins and traps were still not completed. Moreover, despite DESRI's NOV response, the temporary sediment traps and basins that had been built did not comply with the SWPCP's specifications and they discharged stormwater to erodible soils. Additionally, DEEP's staff found that the Site was graded without grading stakes and stabilization of finished slopes did not comply with the General Permit and the Site's SWPCP.
13. On June 9, 2017, the Site was inspected by personnel from the engineering firm of Fitzgerald and Halliday, the independent third party inspection required under the General Permit. Fitzgerald and Halliday again found continuing violations of the General Permit

and the Site's SWPCP including, but not limited to, failure to meet requirements related to Site stabilization.

14. On June 15, 2017, the then engineer for the Respondents, Kleinfelder, sent to both, the Respondents' contractor, Depcom Power and DESRI the results of its inspection conducted on June 8, 2017. Kleinfelder's report noted violations of the General Permit and the Site's SWPCP including, but not limited to, lack of stabilization, lack of required drainage ditches and temporary sediment traps and basins were not built to specifications. The report recommended corrective actions to be taken.
15. On July 18, 2017, DEEP staff inspected the Site after receiving a complaint alleging a discharge of sediment to neighboring properties. At the inspection DEEP staff confirmed that there had been discharges of sediment via stormwater from the Site. These releases discharged pollutants to wetlands and watercourses in violation of Conn. Gen. Stat. §§ 22a-427 and 22a-430. Notwithstanding this discharge of sediments, inspection reports prepared and signed by Respondents contractor Depcom Power for the day in question contained no mention of the discharge of these sediments and stated that the Site is in compliance. DEEP staff also observed that the Site was still lacking stabilization, specifically there was no vegetative cover.
16. On October 27, 2017, DEEP staff inspected the Site after receiving a complaint alleging a discharge of sediment to neighboring properties. DEEP inspected and found violations of the General Permit and the SWPCP, including that the Site still lacked stabilization, failure of the sediment traps and basins, and erosion and sedimentation control measures (silt fences and hay bales) that were improperly installed and maintained. These violations resulted in discharges of stormwater off the Site and adversely impacted waters of the state in violation of Conn. Gen. Stat. §§ 22a-427 and 22a-430s.
17. As a result of the violations noted in paragraphs 7 to 16 above, eroded sediments from the Site have entered adjacent lands, including inland wetlands and watercourses.

DAM SAFETY VIOLATIONS

18. In its registration under the General Permit, Fusion proposed using four sediment basins. The Respondents were informed by DEEP that two of the proposed sediment basins, SB-1 and SB 2, would require a dam safety permit pursuant to Conn. Gen. Stat. § 22a-403(a).
19. After further communications with DEEP, to avoid the need for a dam permit, the Respondents modified their SWPCP to replace the two basins that would require a dam safety permit with temporary sediment traps and permanent dry swales.
20. Despite being informed that a permit would be required to construct SB-1, sometime before March 7, 2017 the Respondents nevertheless constructed a different sediment basin at the Site of previously proposed SB-1, re-numbering it to SB-3, that required a dam safety permit, without first obtaining such permit.

VIOLATION SUMMARY

21. By virtue of the above, the Commissioner finds that the Respondents:

- a. are causing, engaging in or maintaining, or are about to cause, engage in or maintain, a condition or activity which will result in or is likely to result in imminent and substantial damage to the environment;
- b. have violated and are continuing to violate the terms and conditions of the General Permit and registration No. GSN003054, that such violations are substantial and continuous and it appears prejudicial to the interests of the people of the state to delay action until an opportunity for a hearing can be provided; and
- c. have and are conducting, or are about to conduct an activity which will result in or is likely to result in imminent and substantial damage to the environment, for which a license, as defined in Conn. Gen. Stat. § 4-166, is required without obtaining such license.

B. Pursuant to Conn. Gen. Stat. §§ 22a-6, 22a-7, 22a-401, 22a-406 and 22a-432 and 22a-424 the Commissioner orders the Respondent to:

1. Cessation of Activities: Effective immediately upon receipt of this Cease and Desist Order ("the Order"), until the Commissioner has made the determination provided for in paragraph B.2.g.ii of this Order, the Respondents and Respondents' contractors shall cease and desist from engaging in any further activities at the Site that does or has the potential to disturb the Site's surface, including, but not limited to, all construction activities related to the solar array, vehicular movement on the Site, and any movement of soil, unless such activity is required by or in compliance with this Order or is otherwise approved by the Commissioner in writing.
2. Stormwater Compliance:
 - a. Effective immediately upon receipt of this Order, the Respondents shall ensure that during rain events sediments do not run-off the Site.
 - b. No later than three days after receipt of this Order the Respondents shall apply a erosion control tackifier ("tackifier") suitable to stabilize the Site and prevent erosion, including, but not limited to, the migration of sediments, at or from the entire Site until such time that an appropriate vegetative cover provides permanent stabilization at the entire Site. Tackifier shall be applied to the entire Site, including, but not limited to, areas of the Site where solar panels have been installed, are being installed and will be installed. The Respondents shall photograph the application of tackifier to the entire Site and within a day of completing such application, provide a photographic record to the Commissioner demonstrating compliance with this paragraph.

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- c. No later than three days after receipt of this Order the Respondents shall ensure that a land surveyor, with a current valid license to practice in Connecticut, performs a detailed T-2 topographic survey of the entire Site using the same datum as the approved SWPCP, with 2-foot contour intervals of the current grades at the entire Site. This survey shall, at a minimum, show the location of all temporary stormwater management features including, but not limited to, temporary diversion channels and temporary sediment traps and basins. At a minimum, spot elevations will be required along the gravel roadway, all pipe inverts, bottom elevations, top of embankments, and spillways of all temporary diversion channels and temporary sediment traps and basins. In the event that during the process of performing a survey the Respondents disturb the tackifier applied to the Site, the Respondents shall reapply tackifier, no later than at the end of each working day, to ensure that the Site remains stabilized and to prevent erosion, including, but not limited to, the migrations of sediments at or from the entire Site. Any such surveys shall be signed and sealed by the Land Surveyor and upon completion submitted for the Commissioner's review.
- d. No later than twenty days from the date that the Respondent has completed applying tackifier to stabilize the entire Site, the Respondents shall provide a remedial plan for the Commissioner's review and written approval based on the topographic survey performed pursuant to paragraph B.2.c of this Order. The remedial plan shall include the following:
 - i. Short Term Control Measures: A proposal to redesign the existing temporary diversion channels and temporary sediment traps and basins on the Site and/or construct new diversion channels and sediment traps and basins to ensure that such diversion channels and sediment traps and basins perform as intended and that the Site remains in compliance with the General Permit. Any such proposal shall be based upon the topographic survey in paragraph B.2.c of this Order and include, but not be limited to:
 - I. The design criteria, stormwater calculations, and drainage patterns used in determining the temporary diversion channels and the temporary sediment traps and basins necessary for the construction activities that will occur and have occurred on Site, activities necessary to bring the Site into compliance with the General Permit as well as any modifications to the SWPCP previously approved for the Site;
 - II. A means for re-evaluating the existing temporary diversion channels and temporary sediment traps and basins on the Site to determine whether new temporary diversion channels or sediment traps and basins need to be constructed, or whether any existing diversion channels or sediment traps and basins need to be modified or discontinued;

- III. As-built engineering drawings for all temporary diversion channels and temporary sediment traps and basins currently on the Site that the Respondents are proposing to continue to use;
 - IV. A proposed construction methodology for evaluation and repair of existing temporary diversion channels and temporary sediment traps and basins and construction of new diversion channels and sediment traps and basins. This shall include an inspection and construction log including a proposal to photograph construction milestones events so that the Respondents can provide the Commissioner a photographic record demonstrating that the diversion channels and sediment traps and basins have been constructed as specified in the approved remedial plan. The construction methodology shall also include the application or reapplication of tackifier, where needed, at the end of each day to ensure that the Site remains stabilized and to prevent erosion, including, but not limited to, the migration of sediments, at or from the entire Site; and
 - V. A schedule for implementation.
- ii. Long Term Control Measures: A proposal for post-construction stormwater controls to be implemented, monitored and maintained at the entire Site based upon the topographic survey in paragraph B.2.c of this Order or any updates to that survey approved in writing by the Commissioner. At a minimum, such proposal shall include the following:
- I. The design criteria, stormwater calculations, and drainage patterns used in determining such post-construction controls and a proposal for implementing and maintaining such controls, including, but not limited to, a permanent vegetative cover necessary for stabilization of the entire Site or some other permanent stabilization measure once construction of the solar array at the Site has been completed. The proposal shall also include the application or reapplication of tackifier, where needed, at the end of each day to ensure that the Site remains stabilized and to prevent erosion, including, but not limited to, the migration of sediments, at or from the entire Site;
 - II. A proposed inspection and construction log including a photograph record of milestones events so that the Respondents can provide the Commissioner a photographic record demonstrating that the post-construction stormwater controls have been installed as specified in the approved remedial plan;
 - III. A proposal for monitoring and maintaining the effectiveness of post-construction stormwater controls at the Site. At a minimum, any such proposal shall include, for two years, inspections to

determine whether the permanent vegetative cover at the Site is preventing erosion, including, but not limited to, the migration of sediments, at or from the entire Site and monitoring at each discharge point at the Site for turbidity; and

- IV. A schedule and an estimate of the costs for installing, monitoring and maintaining the effectiveness of such post-construction stormwater controls.
- e. The Respondents shall implement the remedial plan approved by the Commissioner ("the approved remedial plan") in accordance with the schedule in such approved plan and shall notify the Commissioner when implementation of the remedial plan is complete.
- f. No later than five days after completing implementation of the Short Control Term Measures in the approved remedial plan, the Respondents shall submit to the Commissioner:
- i. As-built drawings, signed and sealed by a professional engineer with a current valid license to practice in Connecticut, of any new diversion channels, sediment traps and basins and any modifications or repairs to any existing sediment traps and basins; and
 - ii. A photographic record of any construction activity sufficient to demonstrate to the Commissioner that such Short Long Term Control Measures have been installed in accordance with the approved remedial plan.
- g. i. After receipt of the materials required by B.2.f. of this Order and notification from the Respondents that implementation the Short Term Control Measures in the approved remedial plan is complete, the Commissioner shall determine, in writing, within a reasonable time period, whether the installation of such Short Term Control Measures is satisfactory to the Commissioner. Any such determination shall not be unreasonably withheld.
- ii. Once the Commissioner has determined, in writing, that implementation of the Short Term Control Measures in the approved remedial plan is satisfactory, the prohibition under paragraph B.1 of this Order shall not longer be in effect and the Respondents may recommence construction activities at the Site.
- iii. Until permanent site stabilization is achieved through a vegetative cover or some other means approved in writing by the Commissioner, once construction activities at the Site recommence, no later than at the end of each working day the Respondents shall apply or reapply tackifier, as needed, to ensure that the entire Site remains stabilized and to prevent erosion, including, but not limited to, the migration of sediments at or

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from the entire Site, unless another temporary stabilization method has been authorized by the Commissioner, in writing.

- h.
 - i. After completing installation of the solar array at the Site, the Respondents shall install the post-construction stormwater controls specified in the Long Term Control Measures of the approved remedial plan.
 - ii. No later than five days after completing installation of the Long Term Control Measures in the approved remedial plan, the Respondents shall provide the Commissioner a written notification of such completion and submit the following to the Commissioner:
 - I. As-built drawings of all such post-construction stormwater controls at the Site, signed and sealed by a professional engineer with a current valid license to practice in Connecticut; and
 - II. A photographic record sufficient to demonstrate to the Commissioner that such Long Term Control Measures have been installed in accordance with the approved remedial plan.
 - i. After receipt of notification from the Respondents that installation of the Long Term Control Measures has been completed, the Commissioner shall determine, in writing, within a reasonable time period, whether the installation of such Long Term Control Measures is satisfactory to the Commissioner. Any such determination shall not be unreasonably withheld.
 - j. For two years after the Commissioner determines that Long Term Control Measures have been installed in accordance with the approved remedial plan, the Respondents shall monitor to determine the effectiveness of such controls. The Respondents shall perform such monitoring in accordance with the Long Term Control Measures in the approved remedial plan.
 - k. Wherever in the Order the application of tackifier is required, if in the opinion of the Commissioner tackifier fails to stabilize and prevent erosion, including, but not limited to the migration of sediments, at or from the entire Site, the Respondents shall install Connecticut State Department of Transportation approved erosion control matting in all areas where stabilization has failed to occur.
 - l. Unless the Commissioner specifically provides otherwise in writing, the Respondents shall continue to comply with the General Permit and shall ensure that all activities at the Site remain in compliance with the General Permit.
- 3. Financial Assurance: No later than five days after the Commissioner has determined, in writing, that installation of the Short Term Control Measures of the approved remedial plan is satisfactory, pursuant to paragraph B.2.g.ii of this Order, the Respondents shall provide a financial assurance acceptable to the Commissioner regarding the estimated cost

of the Long Term Control Measures. This assurance shall remain in place until the Commissioner notifies the Respondents, in writing, of the Commissioner's determination that the Long Term Control Measures at the Site have been constructed in accordance with the approved remedial plan, pursuant to paragraph B.2.i of this Order and the Site has been permanently stabilized, after which the Respondents need no longer maintain the financial assurance required by this paragraph.

4. Remediation

- a. No later than five days after the Respondents receipt of this Order, the Respondents shall retain a certified soil scientist or a wetland biologist acceptable to the Commissioner to perform an assessment of wetland impacts due to erosion, including, but not limited to, the migration of sediments at or from the entire the Site. This assessment shall include, but not be limited to, the wetland corridor along the eastern edge of the Site, the wooded corridor that borders the western edge of the Site, the pond located at 85 Potash Hill Road, Sprague, CT and properties located at 97, 104 and 110 Potash Hill Road, Sprague, CT.
- b. No later than thirty days after the Respondents receipt of this Order, the Respondents shall submit for the Commissioner's review and written approval a comprehensive and thorough report that: assesses the extent, quantity and location of all sediments deposited in wetlands and watercourses; proposes any necessary wetland/watercourse remediation; lists all permits and approvals required for such remediation, including, but not limited to, any permits required under sections 22a-32, 22a-42a, 22a-342, 22a-361, 22a-368 or 22a-430 of the Connecticut General Statutes; and proposes a detailed program and schedule to perform the recommended remedial actions. The recommended remedial actions shall include a schedule for applying for and obtaining all state and local permits and approvals required for such actions.
- c. Respondents shall implement the remedial actions in the plan approved by the Commissioner under paragraph B.4.b of this Order in accordance with the schedule in the approved plan. Within fifteen days after completing such actions, the Respondents shall notify the Commissioner in writing that the actions required by the approved remedial plan have been completed.
- d. If, in the Commissioner's judgment, the Respondents' fail to fully identify the extent, quantity and location of all sediments or the Respondents' proposed or actual remedial actions do not adequately abate sediment impacts, additional assessment and remediation shall be performed by the Respondents in accordance with a supplemental plan and schedule proposed by Respondents and approved in writing by the Commissioner. Unless otherwise specified in writing by the Commissioner, Respondents shall submit such supplemental plan and schedule for the Commissioner's review and written approval on or before thirty days after notice from the Commissioner that such plan is required.

- e. Respondents shall use best efforts to obtain access to property not owned or controlled by the Respondents to comply with section B.4 of this Order. If the Commissioner determines that the Respondents cannot obtain access to property not owned or controlled by the Respondents to comply with the requirements of paragraph B.4 of this Order, the Commissioner shall notify the Respondents in writing and the requirements of this Order shall not apply to any such property.
5. Dam Safety Compliance:
- a. No later than seven days after the issuance of this Order, the Respondents shall provide, for the Commissioner review and written approval, a dam removal plan with a schedule to remove the dam constructed at sedimentation basin SB3. Any such plan shall ensure that these dam removal activities do not result in non-compliance with the General Permit or the Site SWPCP.
 - b. Respondents shall perform the actions in the dam removal plan approved by the Commissioner pursuant to paragraph B.5.a of this Order in accordance with the schedule in the approved dam removal plan.
6. Consultant. On or before three days from the date of this Order, Respondents shall identify one or more qualified consultants acceptable to the Commissioner to prepare the documents and implement or oversee the actions required by this Order. Respondents shall retain one or more qualified consultants acceptable to the Commissioner until this Order is fully complied with, and, within three days after retaining any consultant other than one originally identified under this paragraph, Respondents shall notify the Commissioner in writing of the identity of such other consultant. Unless otherwise specified in this Order, any consultant(s) retained by the Respondents shall be a Professional Engineer, with a current valid license to practice in Connecticut, acceptable to the Commissioner. If requested by the Commissioner, Respondents shall submit to the Commissioner a description of a consultant's education, experience and training which is relevant to the work required by this Order within ten days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable. The consultant approved by the Commissioner under this paragraph shall be present at the Site during all phases of construction and post-construction activities required under this Order.
7. Progress reports. On or before the last day of each month following the issuance of this Order, and continuing until all actions required by this Order have been completed as approved and to the satisfaction of the Commissioner, Respondents shall submit a progress report to the Commissioner that describes the actions which Respondents has taken to date to comply with this Order.
8. Full compliance. Respondents shall not be considered in full compliance with this Order until Respondents' activities at the site are in compliance with the General Permit, and all other actions required by this Order have been completed as approved and to the Commissioner's satisfaction.

9. Approvals. Respondents shall use best efforts to submit to the Commissioner all documents required by this Order in a complete and approvable form. If the Commissioner notifies the Respondents that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondents shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within thirty (30) days of the Commissioner's notice of deficiencies. In approving any document or other action under this Order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this Order. Nothing in this paragraph shall excuse noncompliance or delay.
10. Definitions. As used in this Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
11. Dates. The date of "issuance" of this Order is the date the Order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this Order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this Order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or personally delivered, whichever is earlier. Except as otherwise specified in this Order, the word "day" as used in this Order means calendar day. Any document or action which is required by this Order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
12. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Order shall be signed by a responsible corporate or municipal officer of the appropriate Respondent(s) or a duly authorized representative of such officer, as those terms are defined in section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies and by the individual(s) responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is as a criminal offense under Conn. Gen. Stat. § 53a-157b and any other applicable law."
13. Noncompliance. Failure to comply with this Order may subject Respondents to an injunction and penalties.
14. False statements. Any false statement in any information submitted pursuant to this Order may be punishable as a criminal offense under Conn. Gen. Stat. § 53a-157b or any other applicable law.

15. Notice of transfer; liability of Respondent and others. Until Respondents have fully complied with this Order, Respondents shall notify the Commissioner in writing no later than fifteen days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this Order or after obtaining a new mailing or location address. Respondents' obligations under this Order shall not be affected by the passage of title to any property to any other person or municipality.
16. Commissioner's powers. Except as provided hereinabove with respect to payment of penalties, nothing in this Order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present or future violations of law. If at any time the Commissioner determines that the actions taken by Respondents pursuant to this Order have not successfully corrected all violations, fully characterized the extent and degree of pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondents to undertake further investigation or further action to prevent or abate violations or pollution.
17. Respondent's obligations under law. Nothing in this Order shall relieve Respondents of other obligations under applicable federal, state and local law.
18. No assurance by Commissioner. No provision of this Order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondents pursuant to this Order will result in compliance or prevent or abate pollution.
19. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Order.
20. No effect on rights of other persons. This Order neither creates nor affects any rights of persons who or municipalities which are not parties to this Order.
21. Notice to Commissioner of changes. Within fifteen (15) days of the date Respondents become aware of a change in any information submitted to the Commissioner under this Order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondents shall submit the correct or omitted information to the Commissioner.
22. Notification of noncompliance. In the event that Respondents become aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this Order or of any document required hereunder, Respondents shall immediately notify by telephone the individual identified in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, Respondents shall submit in writing the date, time and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the Commissioner's review and written

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approval, dates by which compliance will be achieved, and Respondents shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondents shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.

23. Submission of documents. Any document required to be submitted to the Commissioner under this Order shall related to stormwater, unless otherwise specified in writing by the Commissioner, be directed to:

Neal M. Williams
Department of Energy and Environmental Protection
Bureau of Materials Management & Compliance Assurance
Water Permitting & Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127

Any document required to be submitted to the Commissioner under this Order shall related to dam safety unless otherwise specified in writing by the Commissioner, be directed to:

Art Christian
Department of Energy and Environmental Protection
Bureau of Water Protection and Land Reuse
Land and Water Resources Division
79 Elm Street
Hartford, Connecticut 06106-5127

24. The Respondents are jointly and severally liable for compliance with this Order.

25. Hearing. A hearing will be held on November 16, 2017, at 1:00 p.m. in the Russell Hearing, 79 Elm Street, Hartford, Connecticut to provide the Respondents with an opportunity to be heard and show that the conditions described in this Cease and Desist Order or that this Cease and Desist Order is otherwise improper or unlawful.


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THIS CEASE AND DESIST ORDER IS IMMEDIATELY EFFECTIVE UPON RECEIPT.

Issued as a cease and desist Order of the Commissioner of Energy and Environmental Protection.



Robert E. Kaliszewski
Deputy Commissioner



Date

ORDER NO. 2017004DEEP
TOWN OF SRAGUE
LAND RECORDS