Municipal and Local Rules and Regulations

1. Municipal and local land-use requirements

Requirement / authority	Reviewing body	How it applies	Applicability
Cromwell Zoning Regulations; BP Business Park district; site-plan review	Cromwell Planning & Zoning Commission	"Data Storage Facilities" are permitted in the BP zone subject to site-plan approval. The Commission reviews conformity of the data-center buildings and civil site plan with existing regulations and may hold a hearing.	**Required / expected**
Cromwell Zoning Regulations §5.6 — Filling and Removal of Earth Material; Special Use Permit	Cromwell Planning & Zoning Commission	A Special Permit is required for substantial earthwork, including fill of 500 cubic yards or more or exceeding three times the foundation volume, and removal exceeding three times the foundation volume. The review addresses grading, drainage, erosion, traffic, noise, dust, setbacks and site restoration.	**Required/expected**
Connecticut General Statutes §8-3(g) - site plans	Cromwell Planning & Zoning Commission	A site plan may be modified or denied only when it fails to comply with specific requirements already stated in the zoning or inland-wetlands regulations.	**Required / expected**
Cromwell Inland Wetlands and Watercourses Regulations; CGS §§22a-36–45	Cromwell Inland Wetlands & Watercourses Agency	Regulated areas extending 100 feet from wetlands and unnamed watercourses and 200 feet from certain named watercourses and vernal pools. Work in a regulated upland review area requires an application.	**Required / expected**
Adjoining-municipality referral/comment	Cromwell P&Z; Town of Rocky Hill	Because the property abuts Rocky Hill, Rocky Hill receives the applicable notice/referral and may submit a report or comments for Cromwell's consideration.	**Required / expected**
Local erosion, sediment-control and post-construction stormwater standards	Cromwell engineering / land-use staff	Site plans must address grading, drainage, erosion control, peak-flow mitigation, infiltration/water-quality treatment and impacts to neighboring properties.	**Required / expected**
Water and sanitary-sewer connection/capacity approvals	Cromwell Water Division and Sewer Department / utility authorities	Confirm average and peak domestic, fire-flow and process-water demand and wastewater volume; obtain connection and capacity approvals. Dry cooling or other design changes may affect the requirement.	**Required / expected**

Municipal and Local Rules and Regulations (continued)

Requirement / authority	Reviewing body	How it applies	Applicability
Connecticut State Building Code and locally administered permits	Cromwell Building Official	Building, structural, electrical, mechanical, plumbing, accessibility and energy-code review is required before construction and occupancy.	**Required / expected**
Connecticut Fire Safety / Fire Prevention Codes	Cromwell Fire Marshal and fire-service reviewers	Fire access, water supply, alarms, suppression, hazardous-material controls, emergency planning and related life-safety measures require review.	**Required / expected**

CT State Rules and Regulations

2. Connecticut state requirements

Requirement / authority	Reviewing body	How it applies	Applicability
CGS §16-50k et seq.; RCSA Title 16-50j - fuel-cell siting	Connecticut Siting Council (CSC)	The CSC has exclusive jurisdiction over the fuel-cell generating-facility "site." Local zoning does not govern the jurisdictional fuel-cell facility, although the separate data-center development remains locally regulated.	**Required / expected**
CSC declaratory-ruling route - capacity not more than 65 MW	Connecticut Siting Council	A customer-side distributed-resources project at or below 65 MW may proceed by petition for declaratory ruling if statutory standards are met and the Council finds no substantial adverse environmental effect.	**Conditional / confirm**
CSC Certificate of Environmental Compatibility and Public Need - capacity above 65 MW	Connecticut Siting Council	A generating facility above 65 MW requires a certificate application, municipal consultation, public hearing and, following approval, a Development and Management Plan. Project phasing and the legal definition of the facility must be confirmed with counsel and CSC staff.	**Conditional / confirm**
2026 General Permit for Discharge of Stormwater from Construction Activities; CGS §§22a-430 and 22a-430b	Connecticut DEEP	Construction disturbing one or more acres generally requires permit coverage and a Stormwater Pollution Control Plan. VHB also anticipates qualified inspections during construction and post-construction.	**Required / expected**
Natural Diversity Data Base and Connecticut Endangered Species Act review	CT DEEP Wildlife Division	Obtain an updated NDDB review and conduct any required rare-species surveys and mitigation. VHB notes that the prior determination expired and that the northern site lies within a mapped NDDB area.	**Required / expected**
Vernal-pool investigation	Local IWWA / CT DEEP / CSC record	Conduct seasonal surveys (VHB identifies April–May), delineate productive pools and evaluate habitat connectivity and work within locally regulated buffers.	**Required / expected**
State Historic Preservation Office consultation	Connecticut SHPO	Update/confirm cultural-resource review and obtain concurrence where required by state permitting, CSC review or a federal nexus.	**Required / expected**

CT State Rules and Regulations (continued)

Requirement / authority	Reviewing body	How it applies	Applicability
CGS §14-311; Major Traffic Generator approval	CTDOT Office of the State Traffic Administrati on	Development of at least 100,000 square feet or 200 parking spaces requires OSTA approval. A traffic assessment and any required roadway/drainage mitigation are part of the review; an OSTA certificate is needed before the building permit.	**Required / expected**
CTDOT encroachment permit	Connecticut DOT	Required for utility, access, drainage or other construction within a state highway right-of-way. VHB did not anticipate such work unless off-site utility upgrades require it.	**Conditional / confirm**
Air-quality permitting and compliance under CGS Chapter 446c and implementing regulations	CT DEEP Air Bureau / CSC	Fuel-cell equipment must demonstrate compliance with applicable air-quality standards. Whether a source-specific permit, registration or exemption applies depends on final equipment, emissions and aggregation.	**Conditional / confirm**
Connecticut noise-control standards and local performance standards	CT DEEP / Cromwell / CSC	A noise study is expected for the CSC filing and site-plan record; equipment must satisfy applicable property-line and land-use noise limits.	**Required / expected**
Water Diversion Policy Act, CGS §22a-365 et seq.	CT DEEP	A diversion authorization may be required if the project withdraws or transfers more than applicable statutory thresholds; not ordinarily triggered solely by purchasing public water.	**Conditional / confirm**
Wastewater-discharge and industrial stormwater requirements	CT DEEP and sewer authority	Process wastewater, non-contact cooling water or industrial stormwater may require separate authorization depending on final operations and discharge route.	**Conditional / confirm**
Prime-farmland and core-forest review	Connecticut Department of Agriculture / CT DEEP Forestry / CSC	VHB anticipates agency coordination for the CSC petition route, particularly for a project exceeding 2 MW; final submission requirements should be confirmed with CSC.	**Required / expected**

Federal Rules and Regulations

3. Federal and federally connected requirements

Requirement / authority	Reviewing body	How it applies	Applicability
Federal Clean Air Act, 42 U.S.C. §7401 et seq.; 40 C.F.R. Parts 50–52 and 70	U.S. EPA / CT DEEP Bureau of Air Management	The campus is a stationary source. Before construction, the project must quantify and aggregate potential emissions from fuel cells, emergency generators and other emitting equipment; identify applicable National Ambient Air Quality Standards and implementation-plan requirements; and determine whether minor New Source Review, nonattainment NSR, Prevention of Significant Deterioration and/or Title V operating-permit requirements apply. Applicable NSPS or hazardous-air-pollutant standards must also be evaluated.	**Required / expected**
Clean Water Act §404 and Rivers and Harbors Act §10	U.S. Army Corps of Engineers	A jurisdictional determination and permit may be required if work affects federally jurisdictional waters or wetlands. The present concept reportedly avoids direct wetland impacts, but final limits must be verified.	**Conditional / confirm**
Endangered Species Act consultation	U.S. Fish & Wildlife Service / federal permitting agency	May apply where a federal permit or approval creates a federal nexus or listed species may be affected.	**Conditional / confirm**
14 C.F.R. Part 77 obstruction evaluation	Federal Aviation Administration	FAA notice/determination may be required depending on structure heights, location and proximity to airports; VHB includes an FAA determination in the CSC filing scope.	**Conditional / confirm**
Interstate natural-gas pipeline approvals and safety requirements	FERC / PHMSA / Enbridge	Any new or modified jurisdictional interstate-pipeline interconnection, lateral, metering or compressor facilities are subject to the pipeline owner's federal approvals and safety standards. Scope allocation must be defined in the interconnection agreement.	**Conditional / confirm**
Oil Pollution Prevention / SPCC, 40 C.F.R. Part 112	U.S. EPA	An SPCC plan may be required if aggregate aboveground oil storage exceeds 1,320 gallons and a discharge to navigable waters is reasonably possible.	**Conditional / confirm**