



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program

Petition No. 1347A

Tuesday, August 4, 2020

1:00 p.m.

Zoom Remote Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer.

B. Motions

1. Save the River – Save the Hills Objection to and Motion to Strike Petitioner’s Responses to the Council’s Late-Filed Exhibit Requests, dated August 3, 2020

C. Administrative Notice taken by Council

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12. UNITED STATES FISH AND WILDLIFE SERVICE, Final 4(d) Rule for the Northern Long-eared Bat, January 14, 2016, available at <https://www.fws.gov/Midwest/endangered/mammals/nleb/pdf/FRnlebFinal4dRule14Jan2016.pdf>
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53. **PETITION NO. 1310** - Quinebaug Solar, 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 50 megawatt AC solar photovoltaic electric generating facility on approximately 561 acres comprised of 29 separate and abutting privately-owned parcels located generally north of Wauregan Road in Canterbury, Connecticut and south of Rukstela Road and Allen Hill Road in Brooklyn, Connecticut, Record and Final Decision, available at <https://www.ct.gov/csc/cwp/view.asp?a=2397&Q=594016&PM=1>
54. **PETITION NO. 1312** – Candlewood Solar LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 20 megawatt AC (26.5 megawatt DC) solar photovoltaic electric generating facility located on a 163 acre parcel at 197 Candlewood Mountain Road and associated electrical interconnection to Eversource Energy’s Rocky River Substation on Kent Road in New Milford, Connecticut. Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=2397&Q=594294&PM=1>
55. **PETITION NO. 1345** – Pawcatuck Solar Center LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 15 MW AC solar photovoltaic electric generating facility on approximately 353 acres comprised of four abutting parcels located east of Pendleton Hill Road, north of the Pawcatuck River and south of Interstate-95 with proposed access from Ella Wheeler Road, and associated electrical interconnection to Eversource Energy’s Shunock Substation west of Pendleton Hill Road in North Stonington, Connecticut. Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=2397&q=602894>
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MAPS

109. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Maps for the Town of Waterford*, available at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
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116. MAIL-A-MAP STREET MAP, (Waterford), available at http://mailamap.com/street_maps
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E. State Agency comments

1. State Historic Preservation Office Comments, dated March 3, 2020
2. Council on Environmental Quality Comments, dated March 27, 2020
3. Department of Energy and Environmental Protection Comments, dated June 17, 2020

II. Appearance by Petitioner

Petitioner: GRE GACRUX LLC (GRE)

Representative: Lee D. Hoffman, Esq.
Pullman & Comley, LLC

A. Administrative Notice.

1. UNITED STATES DEPARTMENT OF AGRICULTURE, Natural Resources Conservation Service, *TR-55 Urban Hydrology for Small Watersheds*, Second Ed., June 1986, available at, https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf
2. MINNESOTA POLLUTION CONTROL AGENCY, *The Minnesota Stormwater Manual*, Version 1.0, November 2005, available at, <http://www.pca.state.mn.us/water/stormwater/stormwater-manual.html>

B. Exhibits for Identification.

1. Motion to Reopen based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) on GRE GACRUX, 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 16.78-megawatt AC solar photovoltaic electric generating facility located at 117 Oil Mill Road and associated electrical interconnection to Eversource Energy's existing substation at 325 Waterford Parkway North in Waterford received January 23, 2020, and attachments.
 - a. GRE GACRUX, LLC Testimony of Jean-Paul La Marche, dated January 23, 2020
 - b. GRE GACRUX 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 16.78-megawatt AC solar photovoltaic electric generating facility located at 117 Oil Mill Road and associated electrical interconnection to Eversource Energy's existing substation at 325 Waterford Parkway North in Waterford, Connecticut.
2. Petitioner's Responses to Council Interrogatories, Set One, dated April 6, 2020
3. Petitioner's Responses to the Town of Waterford Interrogatories, Set One, dated April 27, 2020
4. Petitioner's Responses to Save the River-Save the Hills, Inc. Interrogatories, Set One, dated April 27, 2020
5. Petitioner's Responses to Council Interrogatories, Set Two, dated June 11, 2020
6. Petitioner's Responses to Council Interrogatories, Set Two, Interrogatory 48, dated June 11, 2020
7. Petitioner's Responses to the Town of Waterford's Interrogatories, Set Two, dated June 18, 2020
8. Petitioner's Responses to Save the River-Save the Hills Interrogatories, Set Two, dated June 18, 2020
9. Pre-filed Testimony of Steven J. Kochis, dated June 18, 2020
10. Resume of Steven J. Kochis, received June 24, 2020
11. Photograph of updated sign posting for July 14, 2020 remote public hearing, received June 26, 2020.
12. Petitioner's Late-Filed Exhibits (Items a-k), dated July 28, 2020 with attachments:
 - a. Sign Posting Affidavit
 - b. Revised Site Plans
 - c. Vernal Pool Analysis
 - d. Eastern Ribbon Snake Monitoring Protocol
 - e. Stormwater Wet Pond Monitoring Protocol

C. Swear Witnesses

1. Jean-Paul La Marche, Director of Project Development, Greenskies Renewable Energy, LLC
2. Ryan Linares, Vice President- Business Development and Land Acquisitions, Greenskies Renewable Energy, LLC
3. Jeffrey Shamas, Director-Environmental Services, Vanasse Hangen Brustlin, Inc.
4. Steve Kochis, Professional Engineer, Vanasse Hangen Brustlin, Inc.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Save the River-Save the Hills
2. Town of Waterford
3. Council

III. Appearance by Party:

Town of Waterford (TOWN)

Representative:

Robert A. Avena, Esq.
Suisman Shapiro

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. Town of Waterford's Response to Request to Reopen, dated February 12, 2020
2. Town of Waterford's Pre-Filed Testimony and Interrogatories to Petitioner, dated April 12, 2020
3. Town of Waterford's Responses to Save the River-Save the Hills Interrogatories, June 17, 2020

C. Swear Witnesses

1. Abby Piersall, Planning Director, Town of Waterford
2. Robert Brule, First Selectman, Town of Waterford
3. Maureen Fitzgerald, Environmental Planner, Town of Waterford
4. Peter Schlink, Fire Marshal, Town of Waterford

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Petitioner
3. Save the River-Save the Hills, Inc.

IV. Appearance by Party and
CEPA Intervenor

Save the River-Save the Hills, Inc. (STRSTH)

Representative:

Emily Gianquinto, Esq.
EAG Law, LLC

A. Administrative Notice

1. Beauchene, M., M. Becker, C. Bellucci, N. Hagstrom, and Y. Kanno. 2014. *Summer*

thresholds of fish community transitions in Connecticut streams. N. Am. J. Fish. Man. 34:119-131. Available at:

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3. CEQ. 2016. *Minutes of the Jan. 27, 2016 meeting*. Available at: <https://portal.ct.gov/CEQ/Meetings-and-Agendas/Minutes/January-27-2016-Minutes>.
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6. CT DEEP (Connecticut Department of Energy and Environmental Protection). *General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities*. Available at: <https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Construction-Stormwater-GP>
7. CT DEEP. *Proposed Reissuance with Modifications of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (GP)*. Available at: <https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Construction-Stormwater-GP>
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10. CT DEEP. 2019. 2018 Integrated Water Quality Report. Appendix A-3. Connecticut 305b Assessment Results for Estuaries. Available at: <https://portal.ct.gov/DEEP/Water/Water-Quality/Water-Quality-305b-Report-to-Congress>
11. CT DEEP. 2019. 2018 Integrated Water Quality Report. Appendix B-1. List of Impaired Waters for Connecticut. Available at: <https://portal.ct.gov/DEEP/Water/Water-Quality/Water-Quality-305b-Report-to-Congress>
12. CT DEEP. 2019. 2018 Integrated Water Quality Report. Appendix C-1. Priority List of Impaired Waters for Action Plan Development (including TMDL development). Available at: <https://portal.ct.gov/DEEP/Water/Water-Quality/Water-Quality-305b-Report-to-Congress>

13. CT DEEP. 2019. 2018 Integrated Water Quality Report. Appendix C-2. List of Waters for Action Plan Development by 2022 Identified in Integrated Water Resource Management Reports. Available at: <https://portal.ct.gov/DEEP/Water/Water-Quality/Water-Quality-305b-Report-to-Congress>
14. CT DEEP. 2020. *Construction Stormwater Permitting: Rain Happens!* Presentation by DEEP Stormwater Section, Jan. 8, 2020. Available at: <https://www.cbia.com/wp-content/uploads/2020/01/CBIA-CTDEEP-stormwater.pdf>
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17. CT DEEP. 2019. *Decision Not to Issue Declaratory Rulings in the Matter of the Town of New Milford, Petition for Declaratory Ruling.* Available at: https://portal.ct.gov/-/media/DEEP/declaratory_rulings_other_decisions/2019March14CandlewoodSolarRulingpdf.pdfhttps://
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https://stormwater.pca.state.mn.us/index.php?title=Stormwater_management_for_solar_projects_and_determining_compliance_with_the_NPDES_construction_stormwater_permit
25. National Fire Protection Association
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<https://www.crameranderson.com/wp-content/uploads/2020/03/2.27.20-Final-Petition-for-Declaratory-Ruling.pdf>
27. Petition No. 1312. *Town of New Milford petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176, for a determination that the January 28, 2019 Development and Management Plan submitted by Candlewood Solar, LLC in Petition No. 1312 conflicts and/or is inconsistent with the Connecticut Siting Council's December 21, 2017 final decision on Petition No. 1312*. Record and decision. Available at: <https://www.ct.gov/csc/cwp/view.asp?a=2397&Q=594294&PM=1>
28. Petition No. 1347A. *GRE GACRUX 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 16.78-megawatt AC solar photovoltaic electric generating facility located at 117 Oil Mill Road and associated electrical interconnection to Eversource Energy's existing substation at 325 Waterford Parkway North in Waterford, Connecticut. Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b)*. Record. Available at: <https://www.ct.gov/csc/cwp/view.asp?a=2397&q=611294>
29. Petition No. 1398. *LSE Pictor, 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 1.99-megawatt AC solar photovoltaic electric generating facility on an approximately 104 acre parcel located off of Platt Hill Road, Winchester, Connecticut and associated electrical interconnection*. Record. Available at: <https://www.ct.gov/csc/cwp/view.asp?a=2397&q=611486>
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36. Town of East Lyme Inland Wetlands Agency. *Corrected letter to GRE re: Vote to Continue Cease, Desist and Restore Order issued to GRE*. June 11, 2015.
37. Town of East Lyme Inland Wetlands Agency. *Revised Cease, Desist and Correct Restore issued to GRE re: Antares solar field*. Apr. 7, 2014.
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40. USFHA and CT DOT (United States Federal Highway Administration and Connecticut Department of Transportation). 2007. Final Environmental Impact Statement and Environmental Impact Evaluation. Route 82/85/11 Corridor. Salem, Montville, East Lyme and Waterford. Section 5.4. Biological Diversity. Accessed at:
<https://portal.ct.gov/media/DOT/documents/ddotinfo/rt11final/Section54511Envimpactspdf.pdf?la=en>
41. CTDEEP Coldwater Habitat Map, available at
<https://ctdeepwatermonitoring.github.io/ColdWaterHab/>

B. Exhibits for Identification:

1. Save the River-Save the Hills, Inc. Response to Request to Reopen, dated February 12, 2020
2. Save the River-Save the Hills, Inc. Response to Request to Reopen, Attachment #3, dated February 12, 2020
3. Save the River-Save the Hills, Inc. Responses to GRE GACRUX, LLC Interrogatories, dated April 27, 2020
4. Save the River-Save the Hills, Inc. Additional Request for Party and CEPA Intervenor Status, dated June 10, 2020
5. Save the River-Save the Hills, Inc. Responses to Council Interrogatories, dated June 18, 2020
6. Pre-Filed Testimony of Donald Danila, dated June 18, 2020
7. Pre-Filed Testimony of Deborah Moshier-Dunn, dated June 18, 2020
8. Pre-Filed Testimony of Steven Trinkaus, dated June 18, 2020
9. Declaration of Deborah Moshier-Dunn, dated June 24, 2020
10. Save the River-Save the Hills, Inc. Amended Response to Council Interrogatory #4, dated June 24, 2020
11. Supplemental Pre-Filed Testimony of Donald Danila, dated June 24, 2020
12. Supplemental Pre-Filed Testimony of Steven D. Trinkaus, dated August 3, 2020
13. LIDAR map with GRE grading and drainage overlay, submitted August 3, 2020

C. Swear Witnesses

1. Donald J. Danila
2. Deborah Moshier-Dunn, Save the River-Save the Hills, Inc.
3. Steven D. Trinkaus, Trinkaus Engineering, LLC

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Petitioner
3. Town of Waterford

V. Closing or Continuation by Connecticut Siting Council.