

**Lee D. Hoffman**  
90 State House Square  
Hartford, CT 06103-3702  
p 860 424 4315  
f 860 424 4370  
lhoffman@pullcom.com  
www.pullcom.com

October 16, 2020

**VIA ELECTRONIC MAIL**

Melanie Bachman  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

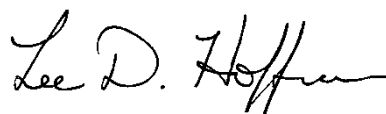
**Re: Petition No. 1424 - Southington Solar One, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4.725-megawatt AC solar photovoltaic electric generating facility located at 1012 East Street, Southington, Connecticut, and associated electrical interconnection**

Dear Ms. Bachman:

I am writing on behalf of my client, Southington Solar One, LLC, in connection with the above-referenced Petition. With this letter, I am enclosing Responses to the September 25, 2020 Set of Interrogatories directed to Southington Solar One, LLC from Intervenors Michael and Diane Karabin.

Should you have any questions concerning this submittal, please contact me at your convenience. I certify that copies of this submittal have been made to all parties on the Petition's Service List as of this date.

Sincerely,



Lee D. Hoffman

Enclosures

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

**Petition of Southington Solar One, LLC for Declaratory Ruling, Pursuant to Conn. Gen. Stat. §§4-176 and 16-50k, for the Proposed Construction, Maintenance and Operation of a 4.725-megawatt AC solar photovoltaic electric generating facility located at 1012 East Street, Southington, Connecticut, and associated electrical interconnection.**

**Petition No. 1424**

**October 16, 2020**

**SOUTHINGTON SOLAR ONE, LLC'S RESPONSES TO MICHAEL AND DIANE KARABINS' SEPTEMBER 25, 2020 INTERROGATORIES**

The petitioner, Southington Solar One, LLC ("Southington Solar One" or "the Petitioner"), respectfully submits this response to Intervenors Michael and Diane Karabins' (the "Intervenors") Interrogatories and Requests for Production, dated September 25, 2020, in the above-referenced Petition.

In response to the Intervenors' Interrogatories, Southington Solar One states as follows:

- 1. Produce any and all documents which show and/or indicate you have the right to use, have access to, and/ or have control over any piece or portion of the " project site" exclusive of the " project area" which includes all site areas/acres not affected by the Project (as set forth in Petition p.21, Table1).**

The Petitioner does not have any access to, or control of, any piece or portion of the "Project Site," as such term is defined in the Petition of Southington Solar One, LLC, exclusive of the "Project Area" (as defined in the Petition, and clarified in Southington Solar One, LLC's respective Responses to the Connecticut Siting Council's First and Second Sets of Interrogatories (hereinafter the "Interrogatory Responses"), Response No. 15). Notwithstanding the foregoing, the area for which the Petitioner has access to, or control of, is described in the Lease Amendment which was included as "Exhibit A" to the Interrogatory Responses and referenced in Response No. 14 therein.

- 2. Are any areas of the Project Site under lease, use and/or control by another party, and if so, please explain.**

To the knowledge of Petitioner, there are two existing leases on the "Project Site," as defined in the Petition. The first is the lease executed by the Petitioner encompassing the Project Area and is described in the Lease Amendment which was included as "Exhibit A" to the Interrogatory Responses and referenced in Response No. 14 therein. The second is the lease executed by the Intervenors, as described in their Application to Intervene Under

CEPA, §22a-19, §4-177a and §16-50n, dated August 27, 2020 (the “Application to Intervene”). According to the Application to Intervene (Schedule 1), the Intervenors’ leased premises is “the area of the parcel that is not otherwise leased to VCP, LLC (and its affiliates) for the purposes of the development, construction, installation, interconnection, operation and maintenance of a solar photovoltaic system on the parcel.”

- 3. Are there any plans or have there been discussions with the landowner of the site about a future expansion of the solar array beyond the project area (37.45 acres, see response to Interrogatory #15 and Petition P.21, Table I), and if so, state what such plans or discussions are and the potential area(s) and size of expansion.**

No, there are currently no plans for future expansion of the solar array.

- 4. Petition pp. 26-27 states the project will require excavation within areas mapped as Prime Farmland Soils, and that any topsoil removed in connection therewith will be segregated from underlying horizon and either stock piled for reuse or spread elsewhere as top soil for reestablishing vegetation and that the topsoil will not leave the site. Please state:**

- (a) The methods or manners in which the Prime Farmland Soils will be extracted and stockpiled?**

The soils will be excavated on site primarily for the installation of the Project’s access drive and stormwater management basins. The topsoil will be stripped from the excavated areas and stockpiled on site for reuse in the disturbed areas. The stormwater management basins will be shaped into their proposed condition and then those areas will have the stockpiled topsoil placed back over the disturbed areas. Stockpiles are anticipated to be temporary and no soil is expected to leave the site as part of this Project.

- (b) State where on the Site the Prime Farmland Soils will be stockpiled or spread elsewhere as top soil for reestablishing vegetation?**

Prime Farmland Soils will mainly be stockpiled and spread in the areas of the proposed stormwater management basins as a result of the drop in hydrologic soil group that is required by the current iteration of CT DEEP’s guidance document, *Appendix I*. Any and all stockpiled or spread soils will be kept within the Project Area.

- (c) State what vegetation would be reestablished and the method or manner of doing so.**

The Petitioner intends to reestablish vegetation with the Ernst Fuzz and Buzz seed mix, which is a forage and pasture mix meant to facilitate pollinator species and provide sufficient forage. More information regarding this seed mix is available at the following link, <https://www.ernstseed.com/product/fuzz-buzz-mix-standard/>.

**(d) Have there been other solar projects in Connecticut where Prime Farmland Soils have been excavated and stockpiled or reused?**

The Petitioner objects to this Interrogatory as the Interrogatory exceeds the scope of a petition for declaratory ruling pursuant to Conn. Gen. Stat. §§ 4-176 and 16-50k. Petitioner also objects to this interrogatory as this information is as equally available to the Intervenor as it is to the Petitioner. Subject to the foregoing objections, the Petitioner states that, to its knowledge, yes—there have been other solar projects in Connecticut where Prime Farmland Soils have been excavated and stockpiled or reused.

**(e) As to Site restoration at the end of the project's service life of 35 years (Petition p.12), Section 12.1 of Lease provided in response to CSC Interrogatory #13 states the premises ... 'shall be restored to substantially the same condition as prior to commencement of the Lease. 'State the manner or method that will be used to restore the 26.6 acres (Petition p. 27, Table 3) of Prime Farmland Soils within the project limits and the time frame for such restoration.**

The total 26.6 acres of Prime Farmland Soils will not need to be restored at the end of the Petitioner's lease, because the majority of these soils will remain undisturbed throughout the operational life of the proposed solar facility through the management of a sheep grazing program. The seed mix that will be planted and maintained throughout the operational life of the Project will be the above-referenced forage and pasture mix (i.e., the Ernst Fuzz and Buzz seed mix) that is both suitable for sheep grazing and will maintain the quality of the topsoil.

Areas of Prime Farmland Soils that are disturbed (i.e., not maintained, as described above), totaling approximately 5.3 acres, may need to be restored in accordance with the Project's decommissioning plan. Specifically, the solar energy facility will be de-energized from the utility power grid. The infrastructure connecting the facility to the utility power grid will be removed unless the landowner determines that the electrical service line will be beneficial for future use of the site, in which case, the line may remain after decommissioning. All wirings, cables, conduits, panelboards, inverters, transformers and associated equipment will be uninstalled and recycled as applicable. PV modules will also be uninstalled and recycled as applicable, as will the Project's steel racking system and the steel pilings (which will have supported the module racking) will be mechanically removed and recycled as applicable. Any resulting holes from the removal of the steel piles will be backfilled with topsoil from the parcel. The concrete transformer and interconnection equipment pads will be broken up and removed. The on-site access roads servicing the Project and the security fencing around the Project will remain in place during decommissioning activities to support the removal of equipment.

Once removal activities are completed, however, access roads that will not be utilized to support future use of the site will be restored to preconstruction

conditions. If necessary, aggregate base material of the roads will be removed, and the compacted base section will be filled with the existing soils from the stormwater management areas to match existing onsite soils. The areas will then be seeded to match existing onsite groundcover. If the security fencing is not to be used, it will be removed and transported to the nearest recycling facility.

Once all facility equipment has been removed, additional decommissioning activities will occur so to substantially restore the property to pre-construction conditions. Reclamation, for example, will restore vegetative cover and hydrological function after the closure of the facility. As previously discussed, any excavated areas remaining after the removal of the Project's equipment pads, access road base materials, and/or fence posts will be filled with the site's existing soils (from the stormwater management areas). The Project's stormwater basins will similarly be removed and restored in a manner to minimize disturbance. Once landform features and soils are restored, a seed mix will be applied to match the existing onsite groundcover.

**(f) Have there been other solar projects in Connecticut where Prime Farmland Soils have been restored?**

The Petitioner objects to this Interrogatory as the Interrogatory exceeds the scope of a petition for declaratory ruling pursuant to Conn. Gen. Stat. §§ 4-176 and 16-50k. In addition, Petitioner objects to this interrogatory as this information is as equally available to the Intervenors as it is to the Petitioner. Subject to the foregoing objection(s), the Petitioner states that, it is not directly aware of any solar projects in Connecticut that (a) exist on Prime Farmland Soils and (b) have reached the end of their useful life. Consequently, no solar projects in Connecticut have completed decommissioning and removal processes so to have the underlying soils restored, nor have any projects reached the point where they have attempted such decommissioning.

**(g) State the anticipated cost (and how it was arrived at) for the restoration of the 26.6 acres of Prime Farmland Soils, and produce any and all documents, models, studies etc., which have been used or relied on in connection with such future Prime Farmland Soils restoration and the cost.**

As described in the response to Interrogatory No. 4(e) above, the majority of the 26.6 acres of Prime Farmland Soils will not need to be restored because they will remain undisturbed throughout the life of the Facility. Assuming the continued use of the improved access road, which will be used for farming access to the Project Site during operation of the Project, as well as farming or other access post Project operation, the Petitioner estimates that the cost of restoration will be \$224,000. This estimate is based on restoring 3.7 acres of disturbed Prime Farmland Soils (5.3 acres of disturbed area less the access road area).

The Petitioner calculated this amount by identifying the cost of restoration of the stormwater basins, any electrical conduit runs, equipment pad removal, the cost of any

permits and fees, and the necessary reseeded of the restored areas. The Petitioner then took that figure and adjusted it for inflation (increased it) to come to a year 35 estimate. The Petitioner's budget estimates for these costs were validated by a third-party civil contractor who has experience completing work of this type. The calculation of the acreage that would require restoration was provided by the Project's civil engineers and was based off the current design parameters.

- (h) **State whether the anticipated cost has or will be put in reserve, escrowed, or bonded, and produce any and all documentation in connection with any such reserve, escrow, or bond.**

As described in the response to Interrogatory No. 4(g) above, because of the anticipated minimal impact(s) to the Prime Farmland Soils, the restoration cost is relatively low in comparison to the value of the components of the Project in either a salvage or re-sale scenario. As such, the Petitioner does not intend to reserve, escrow or bond for such amount.

5. **CSC 's Interrogatory #17 asked what is the size of the pollination area? You Answered:**

**"A Wildflower Pollinator Area was originally proposed by the Petitioner in the southwestern portion of the Project Area. This area has now been relocated after meeting with the tenant farmer on the property in June. The reasoning for relocation was to allow for continued and future agricultural use of this location. The relocated Wildflower Pollinator Area is in the south-central portion of the fenced in array area. This habitat area will be over 1 acre in size and sown with a dedicated Wildflower Pollinator seed mix. The habitat area is delineated as the trapezoidal area depicted in Figure 1 below."**

**What was the size in terms of acreage of the Wildflower Pollinator Area that was originally proposed?**

The size of the Wildflower Pollinator Area that was originally proposed was approximately 1.3 acres in size.

6. **Petition P.27, Table 3 (Farmland Soils Assessment and Impacts Table) which details the amount of farmland soils located on the site and the proposed impact from the project indicates 48.7 acres of Prime Farmland Soil on the site , and 26.6 acres within the Project Limits. CSC's Interrogatory #43, and your response are:**

**INTERROGATORY #43:**

**Petition p. 27, does Table 3 only refer to Prime farmland Soils: Are Farmland Soils of Statewide Importance present in areas on the site that are currently used for agriculture: If so, indicate acreage currently in use and acreage that would be available for post-construction use if not encumbered by storm water basins or habitat enhancement areas.**

**ANSWER:**

**Regarding the councils' first inquiry - yes, Table 3 (Petition, p. 27) only refers to Prime Farmland Soils.**

**Farmland Soils of Statewide Importance are present in the areas that are currently being used for agriculture, totaling approximately 20.9 acres. Upon completion of Project construction, approximately 12.6 acres of Farmland Soils of Statewide Importance will remain unencumbered on site.**

**Explain the difference between the Prime Farmland Soils acreage set forth in Table 3 and your response to Interrogatories #43, as Table 3 indicates 22.1 acres of Prime Farmland Soils would remain unencumbered on the Site ( Table 3, 48.7 total acres on site - 26.6 acres within project limits = 22.1 acres), and your response to Interrogatory #43 that 12.6 acres of Farmland Soils of Statewide Importance will remain unencumbered on the site.**

Prime Farmland Soils and Farmland Soils of Statewide Importance are two different designations for soil types. Table 3 from the Petition refers exclusively to Prime Farmland Soils. The response to Interrogatory No. 43 refers to Farmland Soils of Statewide Importance. There are 48.9 acres of Farmland Soils of Statewide Importance at the "Project Site" or "Site" (meaning, the entire parcel). The Project Area will encompass 11.1 acres of Farmland Soils of Statewide Importance; the remaining 37.8 acres of Farmland Soils of Statewide Importance will remain undisturbed.

- 7. Petition pp. 21-22 states sheep may be allowed to graze at the site and Petition p. 27 talks of the co-location of agricultural grazing at the Project Site.**

**What is the source of water for the sheep and where is that source located?**

The grazer that will ultimately be responsible for maintaining the flock of sheep will be providing water for the animals. The Petitioner's present understanding is that water will be brought into the site from the host farm.

- 8. Petition p. 21, Table I, Habitat Assessment and Impacts Table indicates that the cropland and hayfield comprise 60 acres of the Site, and 35.71 acres of cropland and hayfield will be affected by the project.**

- (a) As to site restoration (see Section 12.1 of Lease provided) at the end of the project's service life (35 years, Petition p. 12), state the manner or method that will be used to restore the 35.71 acres of farm cropland and hayfield on the site.**

Please see the Petitioner's response to Interrogatory No. 4(e) above.

- (b) Have there been other solar projects in Connecticut in which farm croplands and hayfields have been restored.**

Please see the Petitioner's response to Interrogatory No. 4(f) above.

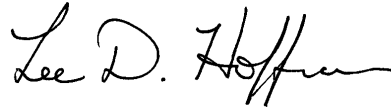
- (c) **State the anticipated cost (and how that was arrived at) that has been budgeted and/or put in reserve and/or bonded for farm cropland and hayfield restoration, and produce any and all documents, studies, model in which have been used or relied upon in connection with such future farmland restoration and its cost.**

Please refer to the Petitioner's response to Interrogatory 4(g), above, for the anticipated cost.

- (d) **State whether the anticipated cost has been put in reserve, escrowed, or bonded, and produce any and all documents in connection with any such reserve, escrow, or bond.**

Please refer to the Petitioner's response to Interrogatory No. 4(h) above.

Respectfully Submitted,  
Southington Solar One, LLC



By: \_\_\_\_\_

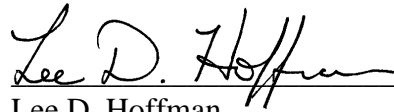
Lee D. Hoffman  
Amanda G. Gurren  
Pullman & Comley, LLC  
90 State House Square  
Hartford, CT 06103-3702  
Juris No. 409177  
860-424-4300 (p)  
860-424-4370 (f)  
[lhoffman@pullcom.com](mailto:lhoffman@pullcom.com)  
Its Attorneys



CERTIFICATION

I hereby certify that on this 16<sup>th</sup> day of October, 2020, the foregoing was delivered by electronic mail, in accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies, to the following parties and intervenors of record:

Paul E. Zagorsky, Esq.  
Law Offices of Zagorsky, Zagorsky & Galske, P.C.  
73 East Main Street  
PO Box 218  
Plainville, CT 06062  
[paul@zzglaw.com](mailto:paul@zzglaw.com)  
860-793-0200

  
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Lee D. Hoffman