



STATE OF CONNECTICUT CONNECTICUT SITING COUNCIL

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Hearing Program

Petition No. 1572

Thursday, September 7, 2023

2:00 p.m./6:30 p.m.

Zoom Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer.

B. Administrative Notice taken by Council

FEDERAL

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2. NATIONAL RESEARCH COUNCIL, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences, 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
3. Presidential Proclamation No. 8460, Critical Infrastructure Month, 74 Fed. Reg. 234, December 8, 2009, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
4. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
5. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *National Register of Historic Places*, last updated December 28, 2022, available at <https://www.nps.gov/subjects/nationalregister/index.htm>
6. UNITED STATES DEPARTMENT OF ENERGY, FEDERAL ENERGY REGULATORY COMMISSION AND THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION, *Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 – Causes and Recommendations*, available at https://www.nerc.com/pa/rrm/ea/October%202011%20Northeast%20Snow%20Storm%20Event/NE_Outage_Report-05-31-12.pdf
7. UNITED STATES QUADRENNIAL ENERGY REVIEW TASK FORCE, *Quadrennial Energy Review Second Installment: Transforming the Nation's Electricity System*, January 2017, available at <https://www.energy.gov/policy/downloads/quadrennial-energy-review-second-installment>

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10. UNITED STATES FISH AND WILDLIFE SERVICE, New England Field Office, Addressing Northern Long-eared Bat, available at <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review#Step4>
11. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Office of Solid Waste and Emergency Response, *Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues*, available at https://www.epa.gov/sites/production/files/2015-04/documents/handbook_siting_repowering_projects.pdf
12. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND NATIONAL RENEWABLE ENERGY LABORATORY, *Best Practices for Siting Solar Photovoltaics on Municipal Solid Waste Landfills*, February 2013, available at <https://www.nrel.gov/docs/fy13osti/52615.pdf>
13. UNITED STATES DEPARTMENT OF AGRICULTURE, *Solar Energy Use in U.S. Agriculture Overview and Policy Issues*, April 2011, available at <https://www.ourenergypolicy.org/wp-content/uploads/2013/08/Solar.pdf>
14. UNITED STATES DEPARTMENT OF AGRICULTURE, Soil Survey Manual, Handbook No. 18, March 2017 (Amended 2018), available at <https://www.nrcs.usda.gov/sites/default/files/2022-09/The-Soil-Survey-Manual.pdf>
15. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC No. 70/7460-1M*, November 16, 2020, available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/Advisory_Circular_70_7460_1M.pdf
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19. *Allco Fin. Ltd. v. Klee*, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by *Allco Fin. Ltd. v. Klee*, 805 F.3d 89 (2nd Cir. 2015)

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20. ISO-NEW ENGLAND, INC., *Operational Fuel-Security Analysis*, January 17, 2018, available at https://www.iso-ne.com/static-assets/documents/2018/01/20180117_operational_fuel-security_analysis.pdf
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29. ISO-NEW ENGLAND, INC., *Final 2023 PV Forecast*, April 28, 2023, available at https://www.iso-ne.com/static-assets/documents/2023/04/2023_pv_forecast_final.pdf
30. ISO-NEW ENGLAND, INC., *Interconnection Request Queue*, available at <https://www.iso-ne.com/system-planning/transmission-planning/interconnection-request-queue>
31. ISO-NEW ENGLAND, INC., *New England's Capacity Auction Closes with Adequate Power System Resources for 2025-2026*, March 9, 2022, available at https://www.iso-ne.com/static-assets/documents/2022/03/20220309_pr_fca16_initial_results.pdf
32. ISO-NEW ENGLAND, INC., *FCA Results Filing in FERC Docket No. ER22-__-000*, March 21, 2022, available at https://www.iso-ne.com/static-assets/documents/2022/03/fca_16_results.pdf

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35. CONNECTICUT SITING COUNCIL, *PETITION 754 - Electric and Magnetic Field Best Management Practices for the Construction of Electric Transmission Lines in Connecticut*, December 14, 2007, revised December 30, 2022, available at https://portal.ct.gov/-/media/CSC/Publications/EMF-BMP-12-30--2022-update_final_s.pdf
36. CONNECTICUT SITING COUNCIL, *2022 Review of the Ten-Year Forecast of Connecticut Electric Loads and Resources*, January 5, 2023, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/Forecast2022/F2022-finalreportwithattachments_s.pdf
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38. CONNECTICUT SITING COUNCIL, *2022 Analysis of Life-Cycle Costs of Electric Transmission Lines*, January 5, 2023, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/LifeCycle/2022LifeCycle/Lifecycle2022finalmemoandreport_s.pdf
39. **DOCKET NO. 492** – Gravel Pit Solar Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 120-megawatt-AC solar photovoltaic electric generating facility on eight parcels generally located to the east and west of the Amtrak and Connecticut Rail Line, south of Apothecaries Hall Road and north of the South Windsor town boundary in East Windsor, Connecticut and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-492-Gravel-Pit-Solar_East-Windsor
40. **DOCKET NO. 497** – Burlington Solar One, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 3.5-megawatt-AC solar photovoltaic electric generating facility located at Lot 33, Prospect Street, Burlington, Connecticut and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-497---Burlington-Solar-One

41. **DOCKET NO. 505** – Haddam Quarter Solar, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 2.8-megawatt-AC solar photovoltaic electric generating facility located south of Haddam Quarter Road and north of Johnson Lane, Durham, Connecticut and associated electrical interconnection. Record and Final Decision, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-505
42. **PETITION NO. 1426** - DG Connecticut Solar III, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4.9-megawatt AC solar photovoltaic electric generating facility located west of the Ellington town boundary at 341 East Road, East Windsor, Connecticut and associated electrical interconnection. Record and Final Decision, *available at* https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1421-1430/Petition-No-1426-East-Windsor-Solar-One
43. **PETITION NO. 1558** – Community Power Group 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-megawatt AC solar photovoltaic electric generating facility located at 24 Middle Road, Ellington, Connecticut, and associated electrical interconnection. Record and Final Decision, *available at* https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1558

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44. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, *Connecticut Guidelines for Soil Erosion and Sediment Control, DEP Bulletin 34*, May 2002, last revised November 2007, *available at* http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654
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46. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER MANAGEMENT, PLANNING AND STANDARDS DIVISION, *Water Quality Standards, (Surface Water Quality Standards and Ground Water Quality Standards* Effective October 10, 2013, *available at* <https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/%7B2328E62B-7982-48A7-AF52-F3F382A821FA%7D>
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Department of Public Health

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73. *Manor Development Corp. v. Conservation Comm. of Simsbury*, 180 Conn. 692, 701 (1980).
74. *Grimes v. Conservation Comm. of Litchfield*, 243 Conn. 266, 278 (1997).
75. *FairwindCT, Inc. v. Connecticut Siting Council*, 313 Conn. 669 (2014).
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State Park and Forests Interactive Map, *available at*
<https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=950da678b13b458ba4cbe5687e902c19&deepNav=%7C>

C. CGS §16-50k Core Forest and Prime Farmland Determinations

1. Department of Energy and Environmental Protection No Material Impact to Core Forest Determination Letter, dated March 8, 2023
2. Department of Agriculture No Material Impact to Prime Farmland Determination Letter, dated March 23, 2023

II. Appearance by Petitioner: East Windsor Solar Two, LLC (EWS2)

Representative: Kenneth C. Baldwin, Esq.
Robinson & Cole LLP

A. Administrative Notice.

B. Exhibits for Identification.

1. Petition for a Declaratory Ruling filed by East Windsor Solar Two, LLC, received May 5, 2023, and attachments.
2. Petitioner's Responses to Council Interrogatories, Set One, dated July 18, 2023
3. Petitioner's Sign Posting Affidavit, dated August 24, 2023.
4. Petitioner's Responses to Town of East Windsor Interrogatories, dated August 31, 2023.
5. Petitioner's Environmental & Community Noise Assessment, dated August 31, 2023
6. Petitioner's Witness Resumes, received August 31, 2023

C. Swear Witnesses

1. Bradley J. Parsons, P.E. PMP, Director of Design and Permitting, East Windsor Solar Two LLC
2. Bryan Fitzgerald, Director of Development, East Windsor Solar Two LLC
3. Andy Roland, Senior Project Manager, Environmental Engineer, WSP
4. Robert Burns, P.E., All-Points Technology Corp. P.C.
5. Dean Gustafson, Senior Wetland Scientist and Professional Soil Scientist, All-Points Technology Corp. P.C.

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

E. Cross Examination.

1. Council
2. Town of East Windsor

III. Appearance by Party: Town of East Windsor (TOWN)

Representative: Robert M. DeCrescenzo, Esq.
Updike, Kelly & Spellacy, P.C.

A. Administrative Notice.

1.

B. Exhibits for Identification.

1. Town's Planning and Zoning Commission Comments, dated May 4, 2023
2. Town's Request for Party Status, dated May 12, 2023
3. Town's Request for Public Hearing, dated May 23, 2023
4. Town's Pre-filed Testimony of First Selectman Jason E. Bowsza, dated September 6, 2023

C. Swear Witness.

1. Jason Bowsza, First Selectman, Town of East Windsor

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

E. Cross Examination.

1. Council
2. Petitioner

IV. Continuation or Evidentiary Record to Remain Open or Closing by Connecticut Siting Council.