



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
Phone: (860) 827-2935 Fax: (860) 827-2950
E-Mail: siting.council@ct.gov
Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

November 15, 2024

Lee D. Hoffman, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702
lhoffman@pullcom.com

RE: **DOCKET NO. 526** – Greenskies Clean Energy, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 4.999-megawatt-AC solar photovoltaic electric generating facility and associated equipment located at Lantern Hill Road (Parcel No. 169-1-4), Stonington, Connecticut and associated electrical interconnection. **Council Interrogatories to Applicant.**

Dear Attorney Hoffman:

The Connecticut Siting Council (Council) requests your responses to the enclosed questions no later than December 5, 2024. Please submit an original and 15 copies to the Council's office and an electronic copy to siting.council@ct.gov. In accordance with the State Solid Waste Management Plan and in accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies, the Council requests all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators. Fewer copies of bulk material may be provided as appropriate.

Please be advised that the original and 15 copies are required to be submitted to the Council's office on or before the December 5, 2024 deadline.

Copies of your responses are required to be provided to all parties and intervenors listed in the service list, which can be found on the Council's website under the "Pending Matters" link.

Any request for an extension of time to submit responses to interrogatories shall be submitted to the Council in writing pursuant to §16-50j-22a of the Regulations of Connecticut State Agencies.

Sincerely,

Melanie Bachman
Executive Director

MAB/RDM
Enclosure: Revised Schedule dated November 15, 2024

c: Service List dated September 30, 2024

Docket No. 526
Greenskies Clean Energy, LLC
Lantern Hill Road (Parcel No. 169-1-4), Stonington

Interrogatories
November 15, 2024

Notice

1. Referencing Application pp. 13-14, has Greenskies Clean Energy, LLC (GCE) received any comments since the application was submitted to the Council? If yes, summarize the comments and how these comments were addressed.
2. Referencing Application p. 20, which of the abutters had questions/concerns regarding the project? What were the questions/concerns and how were they addressed.
3. Referencing Application Appendix Q, of the certified letters sent to abutting property owners, how many certified mail receipts were received to date? Which abutting property owners did not acknowledge receipt of the certified mailing? Describe any additional attempts to notify these property owners.

Public Benefit

4. Referencing Application p. 11, how would the facility benefit the Town of Stonington (Town)?
5. Pursuant to CGS §16-50p(c), a public benefit exists when a facility is necessary for the reliability of the electric power supply of the state or for the development of a competitive market for electricity. Public benefit exists if the Council finds and determines a proposed electric generating facility contributes to forecasted generating capacity requirements, reduces dependence on imported energy resources, diversifies state energy supply mix and enhances reliability. Please respond to the following:
 - a) Would the proposed facility be necessary for the reliability of the electric power supply of the state? Explain why or why not.
 - b) Would the proposed facility be necessary for the development of a competitive market for electricity? Explain why or why not.
 - c) Would the proposed facility contribute to the forecasted generating capacity requirements? Explain why or why not.
 - d) Would the proposed facility reduce dependence on imported energy resources? Explain why or why not.
 - e) Would the proposed facility diversify the state's energy supply mix? Explain why or why not.
 - f) Would the proposed facility enhance reliability? Explain why or why not.

Project Development

6. If the project is approved, identify all permits necessary for construction and operation and which entity will hold the permit(s)?
7. What is the estimated cost of the project?

8. Is the project, or any portion of the project, proposed to be undertaken by state departments, institutions or agencies, or to be funded in whole or in part by the state through any contract or grant?
9. Besides the proposed site, identify the location of any alternate sites that were considered for solar development and the reasons they were rejected.
10. When submitting a specific project to the Connecticut Shared Clean Energy Facility (SCEF) Program, does the specific project bid require alternative site locations?
11. How many projects did GCE evaluate for submission into the SCEF Year 4 bid process? Of those, how many were submitted? How many were selected?
12. If the facility operates beyond the terms of the SCEF Agreement, will GCE decommission the facility or seek other revenue mechanisms for the power produced by the facility?
13. If GCE transfers the facility to another entity, would GCE provide the Council with a written agreement as to the entity responsible for any outstanding conditions of the Certificate and quarterly assessment charges under CGS §16-50v(b)(2) that may be associated with this facility, including contact information for the individual acting on behalf of the transferee?
14. Referencing Application p. 13, what was the initial size of the facility footprint in acres? What were the reasons the footprint/output of the facility was increased?

Proposed Site

15. Submit a map clearly depicting the boundaries of the solar facility site and the boundaries of the host parcel. Under Regulations of Connecticut State Agencies (RCSA) §16-50j-2a(29), “**Site**” means a contiguous parcel of property with specified boundaries, ***including, but not limited to, the leased area, right-of-way, access and easements*** on which a facility and associated equipment is located, shall be located or is proposed to be located.
16. What is the length of the lease agreement with the property owner? Describe options for lease extension(s), if any. Is there an option for GCE to purchase the host parcel or site?
17. Pursuant to Connecticut General Statutes (CGS) § 16-50o, submit a copy of the unredacted lease for the proposed site. A Motion for Protective Order may be submitted for any confidential/proprietary information.
18. Does the lease agreement with the property owner contain provisions for agricultural activities at the site? If yes, describe.
19. If agricultural activities are implemented at the site, who would be responsible for responding to concerns and/or complaints related to these agricultural activities? How would agricultural activity site contact information be provided?
20. Referencing Application p. 8, is the host parcel currently used to grow feed corn? If yes, is this use subject to a lease agreement and if so, when does the lease expire?
21. If the project is sold and/or transferred to another entity, would the sale and/or transfer include management and maintenance of agricultural activities?

22. Is the site parcel, or any portion thereof, part of the Public Act 490 Program? If so, how does the municipal land use code classify the parcel(s)? How would the project affect the use classification?
23. Has the Department of Agriculture (DOAG) purchased any development rights for the facility site or any portion of the facility site as part of the State Program for the Preservation of Agricultural Land?
24. Provide the distance, direction and address of the nearest property line and nearest residence (not owned by the lessor of the host parcel) from the solar field perimeter fence.
25. Estimate the amounts of cut and fill required to construct the Project. If there is excess cut, where will this material be disposed of?

Proposed Facility and Associated Equipment

26. Is the wiring from panels to the inverters installed on the racking system? If wiring is external, how would it be protected from potential damage from weather exposure, vegetation maintenance, farming activities or animals?
27. What is the anticipated life of the proposed solar facility?
28. How are the tracker motors powered?

Energy Output

29. Is the project being designed to accommodate a potential future battery storage system? If so, please indicate the anticipated size of the system, where it may be located on the site, and the impact it may have on the SCEF Agreement.
30. If one section of the solar array experiences electrical problems causing the section to shut down, could other sections of the system still operate and transmit power to the grid? By what mechanism are sections electrically isolated from each other?
31. Would GCE participate in an ISO-NE Forward Capacity Auction? If yes, which auction(s) and capacity commitment period(s)?
32. What is the projected capacity factor (expressed as a percentage) for the proposed project?
33. Would the capacity of the project decline over time? If so, estimate annual losses. What electrical loss assumptions have been factored into the capacity factor of the facility?

Electrical Interconnection

34. Referencing Application p. 11, what is the current status of the electrical interconnection design?
35. Does the Project interconnection require a review from ISO-NE? What was the result?
36. Is the existing electric distribution three-phase or would it have to be upgraded from single-phase to three-phase?
37. Would any off-site upgrades to the existing electric distribution system be required beyond the meter/recloser equipment on the proposed utility poles? If yes, describe.

Public Health and Safety

38. Would GCE develop an emergency response plan in consultation with local emergency services to include, but not be limited to, electrical and brush fire response, shutdown procedures, potential electrical hazards, and GCE emergency coordinator contact information?
39. In the event of a brush or electrical fire, how are potential electric hazards that could be encountered by emergency response personnel mitigated? What type of media and/or specialized equipment would be necessary to extinguish a solar panel/electrical component fire?
40. What is the distance of the nearest municipal fire hydrant to the proposed facility? What alternative water sources are available to the fire department? How would water be brought to the site in the event of a fire?
41. How would site access be ensured for emergency responders?
42. What type of insulating oil is used within the transformers? Do the transformers have an insulating oil containment system in the event of a leak? Can the remote-monitoring system detect an insulating oil leak?
43. Identify the distance/direction and name of the nearest federally-obligated airport from the proposed site.
44. Would notice to the Federal Aviation Administration be necessary for the temporary use of a crane during construction? If a crane is used, what would be the crane height needed to install site equipment.
45. Would the facility have lightning protection? If yes, describe.
46. Would the installation of racking posts affect subsurface/well water quality from construction impacts, such as from vibrations and sedimentation?
47. Referencing Town Plan of Conservation and Development p. 40, the entire site is located within a Town Aquifer Protection Zone. Describe any concerns the Town raised regarding subsurface water quality, if any. Describe measures that would be taken to protect subsurface water quality.
48. Referencing Application p. 13, how did the Applicant determine the selected solar modules do not contain per- and polyfluoroalkyl substances (PFAS)?
49. Has Aquarion Water Company (AWC) provided comment on the proposed project? If yes, provide detail, including, but not limited to the terms of the easement for use of the existing AWC gravel access drive. What is the use of the building on the abutting AWC parcel?
50. What is the total length of the proposed access to the facility site from Lantern Hill Road?
51. Provide a construction fuel spill prevention and materials storage plan.
52. Would GCE purchase professional liability insurance specific to agricultural activities if such activities are implemented at the site?

Environmental Effects and Mitigation Measures

53. Referencing the Town Plan of Conservation and Development p. 59, the host parcel abuts a Town-designated scenic road and is within a scenic viewshed. Describe the visibility of the Project from these scenic resources.
54. Referencing the Town Plan of Conservation and Development p. 49, several open space parcels are located northeast of the site. Describe visibility of the Project from these parcels.
55. Referencing Application p. 17, has the State Historic Preservation Office commented on the Phase 1B cultural survey? What is the basis for the 50-foot buffer area to Locus 2?
56. Referencing Application Appendix F, what avoidance measures would be implemented to preserve the identified loci? What is the status of the National Register of Historic Places eligibility determination for the identified loci?
57. Would the proposed project affect the northern long-eared bat (NLEB)? Does the project require a NLEB review from the US Fish and Wildlife Service?
58. Referencing Application p. 17 and Appendix H, what areas of the site provide suitable habitat for the spotted turtle?
59. Referencing Application Appendix P, the proposed agricultural activity plan states the lowest point of the solar modules will be raised higher than is needed to support agricultural co-use. If there was no agricultural activity proposed, what would be the minimum height of the leading edge of the modules above grade to support energy production? What is the estimated additional project cost associated with raising the panels above the minimum height required for energy production?
60. If an agricultural activity is implemented at the site, would pesticides and/or fertilizers be used? Would the use of these substances affect wildlife, soil and water quality?
61. Referencing Application pp. 8-9, describe the “overly burdensome and more administrative, rather than substantively agricultural” requirements to obtain a favorable determination of no impact to prime farmland soil from DOAG.
62. Referencing Application p. 9 and Figure 7, how many acres of prime farmland soils would be impacted by the development of the proposed project site?
63. Has GCE met with DEEP Stormwater Division prior to filing of the Application? If yes, provide the date of the meeting and any recommendations, comments or concerns about the Project.
64. Referencing Application p. 18, what is the status of the Letter of Map Revision from the Federal Emergency Management Agency?
65. Referencing Application Appendix I, what is the screening quality of the existing trees/vegetation between the residence at 209 Lantern Hill Road and the site?

66. Submit photographic site documentation with notations linked to the site plans or a detailed aerial image that identify locations of site-specific and representative site features. The submission should include photographs of the site from public road(s) or publicly accessible area(s) as well as Site-specific locations depicting site features including, but not necessarily limited to, the following locations as applicable:

For each photo, please indicate the photo viewpoint direction and stake or flag the locations of site-specific and representative site features. Site-specific and representative site features include, but are not limited to, as applicable:

1. wetlands, watercourses and vernal pools;
2. forest/forest edge areas;
3. agricultural soil areas;
4. sloping terrain;
5. proposed stormwater control features;
6. nearest residences;
7. Site access and interior access road(s);
8. utility pads/electrical interconnection(s);
9. clearing limits/property lines;
10. mitigation areas; and
11. any other noteworthy features relative to the Project.

A photolog graphic must accompany the submission, using a site plan or a detailed aerial image, depicting each numbered photograph for reference. For each photo, indicate the photo location number and viewpoint direction, and clearly identify the locations of site-specific and representative site features show (e.g., physical staking/flagging or other means of marking the subject area).

Facility Construction

67. Has a comprehensive geotechnical study been completed for the site to determine if conditions support the overall Project design? If so, summarize the results. If not, has the Applicant anticipated and designed the Project with assumed subsurface conditions? What are these assumed conditions?
68. How would the tracker system support posts be driven into the ground? In the event that ledge is encountered, what methods would be utilized for installation?
69. Would blasting be required to develop the site or stormwater features?
70. Referencing the Town Plan of Conservation and Development p. 41, the site is in an area with surficial materials susceptible to erosion. What measures would be undertaken to reduce the potential for erosion during construction?
71. What is the final seed mix for the solar array and the stormwater swales/basins?

Facility Maintenance

72. Would the inverters, tracker motors, and transformers last the life of the project? If not, at what time interval would this equipment need to be replaced?
73. How are damaged solar panels detected? Would replacement modules be stored on-site in the event solar panels are damaged or are not functioning properly? If yes, in what location?

74. Would snow accumulation on the solar panels affect the output of the facility? Under what circumstances would snow be removed? Describe snow removal methods.

Decommissioning

75. Would Project decommissioning include the access drives, utility poles, and/or stormwater basins?

76. Does the lease agreement with the property owner specify any type of final land cover and/or soil restoration once decommissioning is complete? What specific ground cover will be used?

77. Submit Toxicity Characteristic Leaching Procedure (TCLP) laboratory test results that indicate the proposed solar modules would not be characterized as hazardous waste at the time of disposal under current regulatory criteria? If test results are not available, and if the project is approved, would GCE install solar modules that are not classified as hazardous waste through TCLP testing?

78. Does the lease agreement require GCE to post a decommissioning bond?

79. Referencing the “Financial Mechanisms” and “Nonfinancial Mechanisms” identified on pages 165-166 of the 2023 New York State Energy Research and Development Authority **Decommissioning Solar Panel Systems Report**, available at the following link – [New York State Solar Guidebook - NYSERDA](#) ... - and pasted below for convenience, provide GCE’s opinion on the effectiveness of each of the options and the reasons why they are or are not effective. Consider references to local governments in the text to also apply to state governments.

Do all four of the financial mechanisms listed result in additional upfront costs that are passed onto the ratepayers? Of the four, which would likely have the highest cost to ratepayers?

2.1 Financial mechanisms

Decommissioning Provisions in Land-Lease Agreements. If a decommissioning plan is required, public or private landowners should make sure a decommissioning clause is included in the land-lease agreement. This clause may depend on the decommissioning preferences of the landowner and the developer. The clause could require the solar project developer to remove all equipment and restore the land to its original condition after the end of the contract, or after generation drops below a certain level, or it could offer an option for the landowner to buy-out and continue to use the equipment to generate electricity. The decommissioning clause should also address abandonment and the possible failure of the developer to comply with the decommissioning plan. This clause could allow for the landowner to pay for removal of the system or pass the costs to the developer.

Decommissioning Trusts or Escrow Accounts. Solar developers can establish a cash account or trust fund for decommissioning purposes. The developer makes a series of payments during the project's lifecycle until the fund reaches the estimated cost of decommissioning. Landowners or third-party financial institutions can manage these accounts. Terms on individual payment amounts and frequency can be included in the land lease.

Removal or Surety Bonds. Solar developers can provide decommissioning security in the form of bonds to guarantee the availability of funds for system removal. The bond amount equals the decommissioning and reclamation costs for the entire system. The bond must remain valid until the decommissioning obligations have been met. Therefore, the bond must be renewed or replaced if necessary to account for any changes in the total decommissioning cost.

Letters of credit. A letter of credit is a document issued by a bank that assures landowners a payment up to a specified amount, given that certain conditions have been met. In the case that the project developer fails to remove the system, the landowner can claim the specified amount to cover decommissioning costs. A letter of credit should clearly state the conditions for payment, supporting documentation landowners must provide, and an expiration date. The document must be continuously renewed or replaced to remain effective until obligations under the decommissioning plan are met.

2.2 Nonfinancial mechanisms

Local governments can establish nonfinancial decommissioning requirements as part of the law. Provisions for decommissioning large-scale solar panel systems are similar to those regulating telecommunications installations, such as cellular towers and antennas. The following options may be used separately or together.

- **Abandonment and Removal Clause.** Local governments can include in their zoning code an abandonment and removal clause for solar panel systems. These cases effectively become zoning enforcement matters where project owners can be mandated to remove the equipment via the imposition of civil penalties and fines, and/or by imposing a lien on the property to recover the associated costs. To be most effective, these regulations should be very specific about the length of time that constitutes abandonment. Establishing a timeframe for the removal of a solar panel system can be based on system aesthetics, size, location, and complexity. Local governments should include a high degree of specificity when defining "removal" to avoid ambiguity and potential conflicts
- **Special Permit Application.** A local government may also mandate through its zoning code that a decommissioning plan be submitted by the solar developer as part of a site plan or special permit application. Having such a plan in place allows the local government, in cases of noncompliance, to place a lien on the property to pay for the costs of removal and remediation.
- **Temporary Variance/Special Permit Process.** As an alternative to requiring a financial mechanism as part of a land use approval, local governments could employ a temporary variance/special permit process (effectively a re-licensing system). Under this system, the locality would issue a special permit or variance for the facility for a term of 20 or more years; once expired (and if not renewed), the site would no longer be in compliance with local zoning, and the locality could then use their regular zoning enforcement authority to require the removal of the facility.



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

REVISED SCHEDULE

DOCKET NO. 526 – Greenskies Clean Energy, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 4.999-megawatt-AC solar photovoltaic electric generating facility and associated equipment located at Lantern Hill Road (Parcel No. 169-1-4), Stonington, Connecticut and associated electrical interconnection.

Application received	09/27/2024
Completeness review	10/24/2024
Council Interrogatories <ul style="list-style-type: none"> • Set One Issued • Set One Responses due 	11/15/2024 12/05/2024
Pre-hearing conference via Zoom remote conferencing – 11:00 a.m.	11/13/2024
Deadline for Exchange of Interrogatories between Parties and Intervenors	11/27/2024
Deadline for State Agency Comments	12/05/2024
Deadline for Pre-filed testimony and Responses to Interrogatories	12/05/2024
Deadline to request Party/Intervenor status	12/05/2024
Public Hearing 2:00 p.m. evidentiary session and 6:30 p.m. public comment session via Zoom remote conferencing <i>(refer to Hearing Information section on Docket 526 project webpage for Zoom remote conferencing log in/call in)</i>	12/12/2024
Continued Evidentiary Session(s) <i>(if necessary)</i>	TBD
Close of Evidentiary Record	TBD
Deadline for Party and Intervenor Post Hearing Briefs and Proposed Findings of Fact	TBD
Close of Public Comment Period	TBD
Draft Findings of Fact	TBD
Draft Findings of Fact, Opinion & Decision & Order	TBD
Deadline for Final Decision	03/26/2025

Siting Analyst: Robert Mercier