

**CERTIFIED
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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 492

Gravel Pit Solar application for a 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.

VIA ZOOM AND TELECONFERENCE

Public Hearing held on Thursday, November 12, 2020, beginning at 2 p.m. via remote access.

H e l d B e f o r e :

ROBERT SILVESTRI, Presiding Officer

Reporter: Lisa L. Warner, CSR #061

1 **A p p e a r a n c e s :**

2
3 **Council Members:**

4 **ROBERT HANNON**

5 **Designee for Commissioner Katie Dykes**
6 **Department of Energy and Environmental**
7 **Protection**

8
9 **DANIEL P. LYNCH, JR.**

10 **MICHAEL HARDER**

11 **EDWARD EDELSON**

12 **JOHN MORISSETTE**

13
14 **Council Staff:**

15 **MELANIE BACHMAN, ESQ.**

16 **Executive Director and**
17 **Staff Attorney**

18
19 **MICHAEL PERRONE**

20 **Siting Analyst**

21
22 **LISA FONTAINE**

23 **Fiscal Administrative Officer**
24
25

1 **A p p e a r a n c e s: (Cont'd.)**

2
3 **For Gravel Pit Solar:**

4 **PULLMAN & COMLEY, LLC**

5 **90 State House Square**

6 **Hartford, Connecticut 06103-3702**

7 **BY: LEE D. HOFFMAN, ESQ.**

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13
14 **Also present: Pryme Tyme**

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17
18 ****All participants were present via remote access.**

1 MR. SILVESTRI: This remote public
2 hearing is called to order this Thursday, November
3 12, 2020, at 2 p.m. My name is Robert Silvestri,
4 member and presiding officer of the Connecticut
5 Siting Council. Other members of the Council are
6 Robert Hannon, designee for Commissioner Katie
7 Dykes of the Department of Energy and
8 Environmental Protection. John Morissette, Edward
9 Edelson, Daniel P. Lynch, Jr., and Michael Harder.
10 Members of the staff are Melanie Bachman,
11 executive director and staff attorney. Michael
12 Perrone, siting analyst. Lisa Fontaine, fiscal
13 administrative officer.

14 As all are keenly aware, there is
15 currently a statewide effort to prevent the spread
16 of the Coronavirus, and this is why the Council is
17 holding this remote public hearing, and we ask for
18 your patience. And if you haven't done so
19 already, I'll ask that everyone please mute their
20 computer audio and/or telephone at this time.

21 This hearing is held pursuant to the
22 provisions of Title 16 of the Connecticut General
23 Statutes and of the Uniform Administrative
24 Procedure Act upon an application from Gravel Pit
25 Solar for a Certificate of Environmental

1 Compatibility and Public Need for the
2 construction, maintenance, and operation of a
3 120-megawatt-AC solar photovoltaic electric
4 generating facility on eight parcels generally
5 located to the east and west of the Amtrak and
6 Connecticut Rail Line, south of Apothecaries Hall
7 Road, and north of South Windsor town boundary in
8 East Windsor, Connecticut. This application was
9 received by the Council on July 31, 2020.

10 The Council's legal notice of the date
11 and time of this remote public hearing was
12 published in the Journal Inquirer on September 30,
13 2020. And upon this Council's request, the
14 applicant erected signs, one near the proposed
15 access entrance at Apothecaries Hall Road and one
16 near the proposed access entrance directly north
17 of Plantation Road so as to inform the public of
18 the name of the applicant, the type of the
19 facility, the remote public hearing date, and
20 contact information for the Council.

21 And as a reminder to all, off the
22 record communication with a member of the Council
23 or a member of the Council staff upon the merits
24 of this application is prohibited by law.

25 The party to the proceeding is as

1 follows: The applicant, Gravel Pit Solar, its
2 representative Lee D. Hoffman, Esq., from Pullman
3 & Comley, LLC.

4 We will proceed in accordance with the
5 prepared agenda, a copy of which is available on
6 the Council's Docket No. 492 webpage, along with
7 the record of this matter, the public hearing
8 notice, instructions for public access to this
9 remote public hearing, and the Council's Citizens
10 Guide to Siting Council Procedures. Interested
11 persons may join any session of this public
12 hearing to listen, but no public comments will be
13 received during the 2 p.m. evidentiary session.

14 At the end of the evidentiary session,
15 we will recess until 6:30 p.m. this afternoon for
16 the public comment session. And please be advised
17 that any person may be removed from the remote
18 evidentiary session or the public comment session
19 at the discretion of the Council. The 6:30 p.m.
20 public comment session is reserved for the public
21 to make brief statements into the record. I wish
22 to note that the applicant, including its
23 representatives, witnesses and members are not
24 allowed to participate in the public comment
25 session.

1 I also wish to note for those who are
2 listening and for the benefit of your friends and
3 neighbors who are unable to join us for the remote
4 public comment session, that you or they may send
5 written comments to the Council within 30 days of
6 the date hereof either by mail or by email, and
7 such written statements will be given the same
8 weight as if spoken during the remote public
9 comment session.

10 A verbatim transcript of this remote
11 public hearing will be posted on the Council's
12 Docket No. 492 webpage and deposited with the East
13 Windsor Town Clerk's Office and the South Windsor
14 Town Clerk's Office for the convenience of the
15 public.

16 Please be advised that the Council does
17 not issue permits for stormwater management. If
18 the proposed project is approved by the Council, a
19 Department of Energy and Environmental Protection
20 stormwater permit is independently required. The
21 Department of Energy and Environmental Protection
22 could hold a public hearing on any stormwater
23 permit application.

24 And the Council will take a 10 to 15
25 minute break at a convenient juncture somewhere

1 today around 3:30 p.m.

2 I'd like to turn to Item B on our
3 agenda which is the administrative notice taken by
4 the Council. And I wish to call your attention to
5 those items on the hearing program marked as Roman
6 Numeral I-B, Items 1 through 98, that the Council
7 has administratively noticed.

8 Attorney Hoffman, any objections to
9 what the Council has administratively noticed?

10 MR. HOFFMAN: No, Mr. Silvestri. Thank
11 you.

12 MR. SILVESTRI: Thank you, Attorney
13 Hoffman. Accordingly, the Council hereby
14 administratively notices these items.

15 (Administrative notice documents II-B-1
16 through II-B-98: Received in evidence - described
17 in the hearing program.)

18 MR. SILVESTRI: I'd like to turn to
19 Item C on our agenda, which is a motion for
20 protective order. The applicant submitted a
21 motion for a protective order that was dated
22 October 30, 2020. And Attorney Bachman may wish
23 to comment.

24 MR. HOFFMAN: Actually, Mr. Silvestri,
25 if I could comment?

1 MR. SILVESTRI: Sure, Attorney Hoffman.
2 Please do.

3 MR. HOFFMAN: Certainly. Actually, I
4 believe that the motion itself was dated November
5 6th related to responses that were filed on
6 October 30th, just to keep the record clear. But
7 regardless of the date of filing, upon further
8 consideration the applicant wishes to withdraw
9 that motion. To make the Siting Council's life a
10 little easier, you won't have to consider it.

11 MR. SILVESTRI: Very good, Attorney
12 Hoffman. We will continue then. Thank you.

13 MR. HOFFMAN: Certainly.

14 MR. SILVESTRI: Okay. Moving on then,
15 we have the appearance by the applicant which is
16 Gravel Pit Solar. And will the applicant present
17 their witness panel for purposes of taking the
18 oath, and after which Attorney Bachman will indeed
19 administer the oath.

20 Attorney Hoffman.

21 MR. HOFFMAN: Certainly. I don't know
22 how everybody's screen is, so I'm going to
23 introduce people, explain who they are, who they
24 work for, and what their relative areas of inquiry
25 might be in order to help the Council because we

1 do have 12 witnesses. It's a fairly robust panel
2 for this particular application.

3 So first I'd like to introduce Aileen
4 Kenney of Bask Energy who, along with Aaron
5 Svedlow of North Light, are kind of our
6 quarterbacks and overall project management. Also
7 working with Aileen and Aaron on overall project
8 management is Jonathan Gravel also of North Light.

9 With them is Christopher Clevenger of
10 DESRI who is the overarching project sponsor.

11 And then we have our engineering team,
12 including Sue Moberg of VHB, Steve Kochis of VHB,
13 and Jeff Peterson of VHB.

14 For visuals we have Gordon Perkins who
15 works for EDR.

16 On environmental issues we have Adam
17 Henry of GZA.

18 Our historical preservation expert is
19 David George of Heritage.

20 Ben Cotts from Exponent has been
21 dealing with the EMF issues if the Council is
22 interested in questioning him on those.

23 And lastly, Aaron DeJoia of Duraroot
24 Environmental Consulting, along with Mr. Peterson,
25 they are our two experts on soil science and

1 agricultural issues. That is our witness panel,
2 Mr. Silvestri.

3 MR. SILVESTRI: Thank you, Attorney
4 Hoffman.

5 Attorney Bachman, would you kindly
6 administer the oath?

7 MS. BACHMAN: Thank you, Mr. Silvestri.

8 Would all the witnesses please raise
9 your right hand?

10 A A R O N S V E D L O W,

11 S U E M O B E R G,

12 C H R I S T O P H E R L. C L E V E N G E R,

13 S T E V E K O C H I S,

14 A I L E E N K E N N E Y,

15 J O N A T H A N G R A V E L,

16 J E F F P E T E R S O N,

17 G O R D O N P E R K I N S,

18 A D A M H E N R Y,

19 D A V I D G E O R G E,

20 B E N C O T T S,

21 A A R O N D e J O I A,

22 called as witnesses, being first duly sworn
23 (remotely) by Ms. Bachman, were examined and
24 testified on their oath as follows:

25 MS. BACHMAN: Thank you.

1 MR. SILVESTRI: Thank you, Attorney
2 Bachman. I believe we did get everybody.

3 And Attorney Hoffman, could you please
4 begin by verifying all the exhibits by the
5 appropriate sworn witnesses, please.

6 DIRECT EXAMINATION

7 MR. HOFFMAN: Absolutely. So the
8 exhibits are found in the hearing program, Roman
9 Numeral II, Items B-1 through 8. They include the
10 application, the EMF report submission, the
11 publication notification, the affidavit of
12 publication, the phase 1B archeological and
13 architectural survey, the responses to the Siting
14 Council's interrogatories that were dated October
15 28th, as well as correspondence that was provided
16 from the State Historic Preservation Office and
17 the applicant's response to the Department of
18 Agriculture's comments. So those are Items B-1
19 through 8.

20 At this point I will ask the witnesses
21 to verify these exhibits. I'm going to go
22 slightly out of order and start with Mr. Kochis
23 because we do have one amendment to our
24 interrogatory response that Mr. Kochis can
25 discuss.

1 So starting with you, Mr. Kochis, did
2 you prepare or cause to be prepared the items that
3 I've just listed in the hearing program at II-B?

4 THE WITNESS (Kochis): Yes.

5 MR. HOFFMAN: And with one exception,
6 are they accurate and correct to the best of your
7 knowledge and belief?

8 THE WITNESS (Kochis): Yes.

9 MR. HOFFMAN: And I understand that you
10 have a single correction to make. Could you let
11 us know what that is?

12 THE WITNESS (Kochis): Sure. On the
13 wetland impact map, dated October 20, 2020, that
14 was prepared in support of Gravel Pit Solar's
15 response to Interrogatories 43 and 44 from the
16 Siting Council, we listed that Wetland 16 for a
17 minimum clearance from the limit of work of the
18 project was not applicable. We would like to
19 revise that to a minimum distance from Wetland 16
20 of plus or minus 100 feet.

21 MR. HOFFMAN: Thank you, Mr. Kochis.
22 With that change, is all the information accurate
23 and correct?

24 THE WITNESS (Kochis): Yes.

25 MR. HOFFMAN: You have no further

1 changes?

2 THE WITNESS (Kochis): No further
3 changes.

4 MR. HOFFMAN: And do you adopt these
5 materials as your sworn testimony here today?

6 THE WITNESS (Kochis): Yes, I do.

7 MR. HOFFMAN: Thank you. So Mr.
8 Svedlow, turning to you, are you familiar with the
9 items listed in hearing program II-B? Mr.
10 Svedlow, you're on mute.

11 THE WITNESS (Svedlow): Yes, I am.

12 MR. HOFFMAN: And did you prepare those
13 materials or cause those materials to be prepared?

14 THE WITNESS (Svedlow): Yes.

15 MR. HOFFMAN: And other than the change
16 referenced by Mr. Kochis, do you have any other
17 changes here today?

18 THE WITNESS (Svedlow): No, I do not.

19 MR. HOFFMAN: And are these materials
20 accurate to the best of your information and
21 belief?

22 THE WITNESS (Svedlow): Yes.

23 MR. HOFFMAN: And do you adopt them as
24 your sworn testimony here today?

25 THE WITNESS (Svedlow): Yes, I do.

1 MR. HOFFMAN: Thank you. We're going
2 to go a little bit faster now because I think that
3 we all know where this is headed.

4 Ms. Kenney, are you familiar with the
5 items listed in Section II-B of the hearing
6 program? Ms. Kenney, you're on mute or I can't
7 hear you.

8 THE WITNESS (Kenney): I am.

9 MR. HOFFMAN: Very good. And other
10 than the change mentioned by Mr. Kochis, is the
11 information contained therein accurate to the best
12 of your information and belief?

13 THE WITNESS (Kenney): Yes, it is.

14 MR. HOFFMAN: And do you have any other
15 changes to these materials?

16 THE WITNESS (Kenney): No.

17 MR. HOFFMAN: And do you adopt them as
18 your sworn testimony today?

19 THE WITNESS (Kenney): I do.

20 MR. HOFFMAN: Thank you. Mr. Gravel,
21 turning to you, are you familiar with the items in
22 Section II-B of the hearing program?

23 THE WITNESS (Gravel): Yes.

24 MR. HOFFMAN: And did you prepare these
25 materials or cause these materials to be prepared?

1 THE WITNESS (Gravel): Yes.

2 MR. HOFFMAN: And other than the change
3 referenced by Mr. Kochis, are these materials
4 accurate to the best of your information and
5 belief?

6 THE WITNESS (Gravel): Yes.

7 MR. HOFFMAN: And do you have any
8 changes to these materials today?

9 THE WITNESS (Gravel): No, I don't.

10 MR. HOFFMAN: And do you adopt them as
11 your sworn testimony here today?

12 THE WITNESS (Gravel): I do.

13 MR. HOFFMAN: Mr. Clevenger, are you
14 familiar with the materials in hearing program
15 Section II-B? You're on mute, sir.

16 THE WITNESS (Clevenger): Yes.

17 MR. HOFFMAN: And did you prepare these
18 materials or cause these materials to be prepared
19 for today's application?

20 THE WITNESS (Clevenger): I did.

21 MR. HOFFMAN: And other than the change
22 referenced by Mr. Kochis, do you have any other
23 changes to these materials?

24 THE WITNESS (Clevenger): No.

25 MR. HOFFMAN: And are they accurate to

1 the best of your information and belief?

2 THE WITNESS (Clevenger): Yes.

3 MR. HOFFMAN: And do you adopt them as
4 your sworn testimony here today?

5 THE WITNESS (Clevenger): I do.

6 MR. HOFFMAN: Thank you, sir.

7 Ms. Moberg, you're next on my list.
8 Are you familiar with the materials in Section
9 II-B of the hearing program?

10 THE WITNESS (Moberg): I am, Lee.

11 MR. HOFFMAN: And did you prepare these
12 materials or cause them to be prepared?

13 THE WITNESS (Moberg): I did.

14 MR. HOFFMAN: And other than the
15 changes discussed by Mr. Kochis, are there any
16 other changes that you're aware of?

17 THE WITNESS (Moberg): Yes, there is
18 one change I'd like to clear up. We revisited the
19 limits of clearing in relation to some
20 coordination we're doing with the CT DEEP Natural
21 Diversity Data Base program, and I would like to
22 revise the limit of clearing from 91 acres to 83
23 acres.

24 MR. HOFFMAN: Okay. Thank you,
25 Ms. Moberg. And other than that change, is the

1 information contained in these materials accurate
2 to the best of your information and belief and
3 knowledge?

4 THE WITNESS (Moberg): Yes.

5 MR. HOFFMAN: And do you adopt these
6 materials as your sworn testimony today?

7 THE WITNESS (Moberg): Yes, I do.

8 MR. HOFFMAN: Mr. Peterson, are you
9 familiar with the materials that are listed in
10 Section II-B of the hearing program? You're on
11 mute, sir.

12 THE WITNESS (Peterson): Sorry, Lee. I
13 have two mute buttons here.

14 MR. HOFFMAN: My wife wishes she had
15 two mute buttons for me. Are you familiar with
16 the items listed in Section II-B of the hearing
17 program?

18 THE WITNESS (Peterson): Yes, I am.

19 MR. HOFFMAN: And did you prepare these
20 materials or cause these materials to be prepared?

21 THE WITNESS (Peterson): Yes, I did.

22 MR. HOFFMAN: And other than the two
23 changes that we've already discussed, is the
24 information accurate to the best of your knowledge
25 and belief?

1 THE WITNESS (Peterson): Yes. However,
2 Lee, we would like to say that Table 10 in its
3 entirety, which included the limits of forest
4 clearing, has been revised.

5 MR. HOFFMAN: Okay. And what is the
6 revision?

7 THE WITNESS (Peterson): The revision
8 is the Cover Types with Project Parcels: Existing
9 Area and Areas to be Altered.

10 MR. HOFFMAN: Can you go into a little
11 more detail so that people understand what you're
12 saying?

13 THE WITNESS (Peterson): Sure. So we
14 revised these numbers, and I'll give you the
15 information that's in the table. For agricultural
16 fields the approximate existing area is 230 acres,
17 the approximate area to be altered is 228 acres,
18 and the approximate area not to be altered is 2
19 acres.

20 For active sand and gravel quarry the
21 approximate existing areas are 78 acres, the
22 approximate area to be altered is 76 acres, and
23 the approximate area not to be altered is 2 acres.

24 For forested upland there's
25 approximately 248 acres on the properties,

1 approximately 63 acres are to be altered, and
2 approximately 185 acres are not to be altered.
3 Not included in that total is ruderal forest,
4 which is a secondary regrowth forest in the gravel
5 pit, which is approximately 20 acres. All 20
6 acres of that ruderal forest will be altered.

7 For forested wetland we have a total of
8 40 acres with zero acres to be altered.

9 Shrubland, we have approximately 62
10 acres of shrubland with approximately 44 acres to
11 be altered, 18 acres to remain.

12 And we have a category of "other,"
13 which includes the barns, laydown areas on the
14 farm, grass shoulders between barns and along
15 roads. There's about 59 acres in this category,
16 about 54 acres will be altered, and 5 will not be.

17 That gives us a total project area of
18 737 acres, approximately 485 acres to be altered,
19 and 252 to remain unaltered.

20 MR. HOFFMAN: Thank you, Mr. Peterson.
21 I think you have set a personal record, at least
22 for me, for a Late-File exhibit being requested
23 before the exhibits have come in, but we'll see if
24 that holds. With those changes, is everything in
25 the exhibits accurate to the best of your

1 information and belief?

2 THE WITNESS (Peterson): Yes.

3 MR. HOFFMAN: And do you adopt that as
4 your sworn testimony here today?

5 THE WITNESS (Peterson): I do.

6 MR. HOFFMAN: Very good, sir. Thank
7 you.

8 Mr. Perkins.

9 THE WITNESS (Perkins): Yes, sir.

10 MR. HOFFMAN: Are you familiar with the
11 items listed in hearing program Section II-B?

12 THE WITNESS (Perkins): I am.

13 MR. HOFFMAN: And with the changes that
14 have already been discussed, are they accurate to
15 the best of your information and belief?

16 THE WITNESS (Perkins): Yes.

17 MR. HOFFMAN: And did you prepare or
18 assist in the preparation of these materials?

19 THE WITNESS (Perkins): Yes.

20 MR. HOFFMAN: And do you adopt them as
21 your sworn testimony here today?

22 THE WITNESS (Perkins): Yes.

23 MR. HOFFMAN: Okay. Mr. Henry, are you
24 familiar with the items listed in Section II-B of
25 the hearing program?

1 THE WITNESS (Henry): Yes.

2 MR. HOFFMAN: And did you prepare or
3 cause these materials to be prepared?

4 THE WITNESS (Henry): Yes.

5 MR. HOFFMAN: And other than the
6 changes that have already been discussed here this
7 afternoon, are these accurate to the best of your
8 information and belief?

9 THE WITNESS (Henry): Yes.

10 MR. HOFFMAN: And do you have any
11 further changes to them?

12 THE WITNESS (Henry): No.

13 MR. HOFFMAN: And do you adopt them as
14 your sworn testimony here today?

15 THE WITNESS (Henry): Yes.

16 MR. HOFFMAN: Very good. Mr. Cotts,
17 are you familiar with the information -- with the
18 exhibits listed in Section II-B?

19 THE WITNESS (Cotts): Yes, I am.

20 MR. HOFFMAN: And did you prepare or
21 cause to be prepared the information contained
22 therein?

23 THE WITNESS (Cotts): Yes.

24 MR. HOFFMAN: And other than the
25 changes discussed here today, is the information

1 contained therein accurate to the best of your
2 information and belief?

3 THE WITNESS (Cotts): Yes.

4 MR. HOFFMAN: And do you have any
5 further changes to make to these exhibits?

6 THE WITNESS (Cotts): No, I do not.

7 MR. HOFFMAN: And do you adopt them as
8 your sworn testimony here today?

9 THE WITNESS (Cotts): Yes, I do.

10 MR. HOFFMAN: Thank you. And finally,
11 Mr. DeJoia.

12 THE WITNESS (DeJoia): Yes.

13 MR. HOFFMAN: Are you familiar with the
14 materials that are listed in Section II-B of the
15 hearing program?

16 THE WITNESS (DeJoia): Yes, I am.

17 MR. HOFFMAN: And did you prepare or
18 cause these materials to be prepared?

19 THE WITNESS (DeJoia): Yes, I did.

20 MR. HOFFMAN: And other than the
21 changes discussed, is the information contained
22 therein accurate and correct to the best of your
23 knowledge and belief?

24 THE WITNESS (DeJoia): Yes, it is.

25 MR. HOFFMAN: And do you have any

1 further changes to these materials?

2 THE WITNESS (DeJoia): No, I do not.

3 MR. HOFFMAN: And do you adopt them as
4 your sworn testimony here today?

5 THE WITNESS (DeJoia): Yes, I do.

6 MR. HOFFMAN: Mr. Silvestri, I'd like
7 to take a break from this and do something
8 slightly different. In addition to the eight
9 items listed in Section II-B, the applicant did
10 submit a ninth item which was a schematic of the
11 proposed switchyard for the project. I would like
12 to have that introduced as an exhibit for
13 identification purposes, and then I'd like
14 Mr. Gravel to authenticate it and Mr. Kochis to
15 authenticate it, as they're the two who prepared
16 it, so that it could be also admitted as a full
17 exhibit. It was sent to the Council yesterday,
18 which I recognize is a state holiday, and was
19 received by the Council this morning.

20 MR. SILVESTRI: Attorney Hoffman, I did
21 receive that yesterday. I looked at it. I will
22 grant you that request.

23 MR. HOFFMAN: Thank you, sir. So
24 Mr. Gravel and Mr. Kochis, are you familiar with
25 the diagram of the switchyard that was submitted

1 to the Siting Council yesterday? Mr. Gravel.

2 THE WITNESS (Gravel): Yes.

3 MR. HOFFMAN: Mr. Kochis?

4 THE WITNESS (Kochis): Yes.

5 MR. HOFFMAN: And did you two prepare
6 or cause to be prepared that particular schematic?
7 Mr. Gravel.

8 THE WITNESS (Gravel): Yes.

9 MR. HOFFMAN: Mr. Kochis.

10 THE WITNESS (Kochis): Yes.

11 MR. HOFFMAN: And is that schematic
12 accurate to the best of your knowledge and belief?
13 Mr. Gravel.

14 THE WITNESS (Gravel): Yes.

15 MR. HOFFMAN: Mr. Kochis.

16 THE WITNESS (Kochis): Yes.

17 MR. HOFFMAN: And do you have any
18 changes to that, Mr. Gravel?

19 THE WITNESS (Gravel): No.

20 MR. HOFFMAN: Mr. Kochis, do you have
21 any changes?

22 THE WITNESS (Kochis): No.

23 MR. HOFFMAN: Mr. Gravel, do you adopt
24 that exhibit as part of your sworn testimony
25 today?

1 THE WITNESS (Gravel): I do.

2 MR. HOFFMAN: Mr. Kochis, do you adopt
3 that exhibit as part of your sworn testimony
4 today?

5 THE WITNESS (Kochis): I do.

6 MR. HOFFMAN: Thank you. With that,
7 Mr. Silvestri, I would ask that all nine of those
8 exhibits, the eight listed in the program, plus
9 the switchyard schematic, be admitted as full
10 exhibits to today's proceeding.

11 MR. SILVESTRI: Thank you, Attorney
12 Hoffman. It was very easy for me to note the
13 change on the wetland, the plus or minus 100 feet.
14 Ms. Moberg had mentioned the limits of clearing
15 from 91 to 83. Table 10, my head is still
16 spinning on that. And again, you had mentioned
17 the filing. We'll have questions undoubtedly
18 going through today, but it might be difficult to
19 officially address what the changes might be on
20 that. With the Exhibit Number 9 that came in
21 yesterday, I don't know how many Council members
22 might have taken a chance to look at that as well.

23 So we will try our best to get through
24 those too, but to answer your question, yes, the
25 exhibits are indeed admitted. And I would request

1 that we do get an update on that Table 10. And
2 I'd like to go back. If the limits of clearing
3 from 91 to 83 acres was also presented in some
4 type of table or chart, I'd like to see that, as
5 well as any changes on 43, 44 that might have a
6 drawing or some type of diagram to go with that.
7 That's what I have for you, Attorney Hoffman.

8 MR. HOFFMAN: Understood, Mr.
9 Silvestri. We will file those as Late-Files.

10 MR. SILVESTRI: Very good. Thank you.
11 And again, the exhibits are admitted.

12 (Applicant's Exhibits II-B-1 through
13 II-B-9: Received in evidence - described in
14 index.)

15 MR. SILVESTRI: I'd like to begin our
16 cross-examination of the applicant at this time
17 with Mr. Perrone, please.

18 MR. HOFFMAN: Mr. Silvestri -- never
19 mind. Thank you, sir.

20 MR. SILVESTRI: You're good?

21 MR. HOFFMAN: Yes, sir.

22 MR. SILVESTRI: All right. Mr.
23 Perrone, would you please begin our
24 cross-examination.

25 MR. PERRONE: Thank you, Mr. Silvestri.

1 CROSS-EXAMINATION

2 MR. PERRONE: Did the applicant install
3 signs for this project?

4 THE WITNESS (Svedlow): Yes, the
5 applicant installed signs for this project. I
6 assume you're referring to the public hearing
7 signs as requested by the Siting Council?

8 MR. PERRONE: Yes.

9 THE WITNESS (Svedlow): Yes, we did.

10 MR. PERRONE: Okay. Where were they
11 installed?

12 THE WITNESS (Svedlow): Mr. Kochis, can
13 you explain where the signs were installed,
14 please?

15 THE WITNESS (Kochis): Sure thing.
16 This is Steve at VHB. I was responsible for
17 installing the two signs on the project. They
18 were installed October 27th. One sign was
19 installed at the proposed entrance to the site at
20 the north end of Apothecaries Hall Road, and the
21 second sign was installed along the north end of
22 Plantation Road where the proposed access road
23 from the site enters Plantation Road.

24 MR. PERRONE: What size were the signs,
25 6 by 4 or 4 by 8 or --

1 THE WITNESS (Kochis): The signs were 4
2 foot by 6 foot.

3 MR. PERRONE: Okay. Did the signs
4 contain the name of the applicant, type of
5 facility, public hearing date, and contact info
6 for the Council?

7 THE WITNESS (Kochis): Yes, the signs
8 contained those items.

9 MR. PERRONE: I'm going to start with
10 the response to Council Interrogatory Number 1.
11 GPS notes that return receipts were not received
12 from two abutters. Were notices resent to those
13 two abutters?

14 THE WITNESS (Svedlow): Yes, notices
15 were resent to those abutters.

16 MR. PERRONE: By first class mail?

17 THE WITNESS (Svedlow): Yes.

18 MR. PERRONE: And in addition to that,
19 they also got their project informational
20 postcards; is that correct?

21 THE WITNESS (Svedlow): They were sent
22 project informational postcards, that's correct.

23 MR. PERRONE: GPS filed its July 20,
24 2020 memorandum in response to comments from the
25 Town of East Windsor. My question is, has GPS

1 received any further comments or feedback from the
2 Town of East Windsor since then?

3 THE WITNESS (Svedlow): Gravel Pit
4 Solar has not received any additional formal
5 comments from the Town of East Windsor. We do
6 talk to in our regular communications with town
7 leadership though.

8 MR. PERRONE: Did GPS receive any
9 comments from the Town of South Windsor regarding
10 the proposed project?

11 THE WITNESS (Svedlow): GPS did not
12 receive any comments from the Town of South
13 Windsor.

14 MR. PERRONE: Could you give us a
15 summary of project features or project changes
16 that were implemented in response to neighborhood
17 concerns?

18 THE WITNESS (Svedlow): Yes, I can.
19 I'll start off, and then I'll ask some of my other
20 co-witnesses to fill in some gaps.

21 So one of the things that we heard from
22 abutters in the Town of East Windsor was just the
23 aesthetics associated with entrance points to the
24 facility. In response to that, we developed, as
25 has been filed, a landscaping plan for those

1 entrances.

2 One of the other comments that we've
3 heard repeatedly is just the active gravel mines
4 and the amount of dust associated with those.
5 This is less an adaptation to our design and more
6 of a sort of blanketed statement that as a result
7 of our project that dust accumulation will go
8 away. That's one of the things that we've
9 discussed with abutters.

10 I'd like to give it to Aileen or
11 Jonathan, if you want to fill in any additional
12 information about our responses to the Town of
13 East Windsor or changes in design based on
14 comments.

15 THE WITNESS (Gravel): Yeah, I can add
16 to that, Aaron. We also got a comment regarding
17 our entrance points and having a construction
18 gravel pad area to help maintain sediment from
19 getting onto municipal roads. So we've extended
20 those from our typical 50 foot to 75 feet.

21 THE WITNESS (Svedlow): And I'll add
22 one more thing. We have been in communication
23 with some abutters on Apothecaries Hall Road that
24 have concerns about the location of that entrance
25 point. We are looking at land control at another

1 location on Apothecaries Hall Road that is
2 currently used informally as access, secondary
3 access to the active gravel mine. We are looking
4 at potentially moving that location, that entrance
5 point, to that existing access point. We would do
6 that as part of our, if required, as part of our
7 D&M plan. The reason we haven't included that yet
8 as a change is because we're still working on land
9 control for that, for that entrance area.

10 MR. PERRONE: Moving on to the RFP
11 topic, response to Council Interrogatory Number 3,
12 there's a table with all the various oftaker
13 slash buyers. I'd like to categorize those by
14 RFP. So are the first two associated with the
15 zero carbon RFP?

16 THE WITNESS (Svedlow): That's correct,
17 the first two were associated with the zero carbon
18 RFP.

19 MR. PERRONE: The portion of the
20 project's generation approved by PURA, is that
21 related to the RFP or is that separate?

22 THE WITNESS (Svedlow): I'm sorry, I'm
23 not sure I fully understand. Are you asking if
24 the two PPAs we have with Connecticut Light and
25 Power and United illuminating were approved by

1 PURA?

2 MR. PERRONE: Yes. You could look at
3 it that way.

4 THE WITNESS (Svedlow): If that's the
5 case, that's correct then.

6 MR. PERRONE: Okay. So those are
7 related to the same thing. Okay, great.

8 Then also there's a portion of the
9 project's generation selected by Rhode Island
10 long-term contracting standard RFP. Would that be
11 row number 3 on that table?

12 THE WITNESS (Svedlow): So that would
13 actually be row number 3, 4 and 5. So 50
14 megawatts of the facility was selected in that
15 procurement, the bulk of it going to Narragansett
16 Electric Company, and then the balance of it to
17 Pascoag and Block Island Utility District.

18 MR. PERRONE: And just the Narragansett
19 piece was approved by Rhode Island PUC?

20 THE WITNESS (Svedlow): That is
21 correct. To my understanding, I don't believe the
22 two municipal light departments or municipal
23 utilities were required to go through the PUC
24 approval process in Rhode Island.

25 MR. PERRONE: And all the other rows

1 would fall into that last category of New England
2 municipal light departments or commercial
3 oftakers?

4 THE WITNESS (Svedlow): Yes, that's
5 correct. That was done under a separate bilateral
6 negotiation.

7 MR. PERRONE: Okay. Turning to page 9
8 of the application, there's Alternative 1 in
9 Halifax, Middleborough, Massachusetts.

10 Alternative 1 was rejected because of the costs
11 required to cut a 345 kV transmission line and
12 build a new substation. For the proposed project
13 I understand it's 115 kV, but you have a
14 substation and a switchyard and a cutover. How
15 did the electrical interconnection costs of the
16 proposed project compare with Alternative 1, in
17 other words, was Alternative 1 still more
18 expensive?

19 THE WITNESS (Svedlow): Yes, cutting a
20 345 kV line and building facilities for that type
21 of interconnection, I don't have the numbers in
22 front of me, but is substantially more expensive
23 than cutting a 115 kV line system.

24 MR. PERRONE: Turning to the response
25 to Council Interrogatory Number 4 which gets into

1 the forward capacity auction. As far as the
2 prequalification process, what does ISO look at
3 from generators in the prequalification process,
4 how does that work?

5 THE WITNESS (Svedlow): So it's not
6 something that I manage directly. We have other
7 technical staff that does that. Generally, it's
8 my understanding that -- and this may not be a
9 complete response -- that they look at, you know,
10 the status of the project in the interconnection
11 process, the status of the project in terms of the
12 development process, permitting, land control, et
13 cetera.

14 MR. PERRONE: And the other part of the
15 response to Number 4, in the event the project is
16 not able to prequalify in time for FCA 15, they'd
17 participate in the annual replacement auction the
18 first year after commercial operation date. So
19 first year after commercial operation date, would
20 that be about 2023?

21 THE WITNESS (Svedlow): Yeah, that's
22 correct. 2023 would be the first full year after
23 commercial operation date.

24 MR. PERRONE: Also, to continue on this
25 public benefit topic, page 6 of the application,

1 second paragraph, Connecticut currently has
2 approximately 464 megawatts of installed solar
3 generating capacity. My question is, where was
4 the 464 obtained from, did it come from a report,
5 or was it something calculated?

6 THE WITNESS (Svedlow): Yeah, I believe
7 that number comes from a DOE report. It's
8 possible it may come from a CEA document as well.
9 We can get you that response. I can get you the
10 exact citation.

11 MR. PERRONE: I have a similar
12 question. On page 7, page 7, paragraph 2, we have
13 some ISO New England retirement projections. Do
14 you know where that came from, which report?

15 THE WITNESS (Svedlow): Those do come
16 directly from ISO New England. I will get you the
17 exact report, but those do come from ISO New
18 England.

19 MR. PERRONE: A few general questions
20 on public benefit. Would the proposed project be
21 necessary for the development of a competitive
22 market for electricity?

23 THE WITNESS (Svedlow): I'm not sure I
24 understand the question. Could you maybe rephrase
25 it a little bit differently?

1 MR. PERRONE: One of the statutory
2 explanations for it mentions this. Would the
3 project be necessary for the development of a
4 competitive market, or I'll put this question to
5 you this way: Would this project help foster a
6 competitive market?

7 THE WITNESS (Svedlow): Thank you, Mr.
8 Perrone. Yes, it would.

9 MR. PERRONE: Okay. Would the proposed
10 project contribute to the forecast generating
11 capacity requirements either on a state or
12 regional level?

13 THE WITNESS (Svedlow): If I understand
14 the question correctly, the project will
15 contribute to, it will add additional capacity to
16 the ISO New England system, that's correct.

17 MR. PERRONE: And I have a few more
18 left on this topic. Would the project reduce
19 dependence on imported energy sources?

20 THE WITNESS (Svedlow): Yes.

21 MR. PERRONE: Would the project
22 diversify the state's energy supply mix?

23 THE WITNESS (Svedlow): Yes.

24 MR. PERRONE: And lastly, would the
25 project enhance electric reliability in

1 Connecticut?

2 THE WITNESS (Svedlow): Yes,
3 definitely.

4 MR. PERRONE: Now I'm going to move on
5 to the cost topic. Referencing the response to
6 Council Interrogatory Number 5, in light of the
7 withdrawn motion for protective order, could you
8 tell us the total estimated cost of the proposed
9 project?

10 THE WITNESS (Svedlow): The total
11 estimated cost of the proposed project is \$125
12 million.

13 MR. PERRONE: And the other number was
14 a hypothetical if the project only had fixed solar
15 panels?

16 THE WITNESS (Svedlow): Yes. If the
17 project -- and this, again, is very much a
18 hypothetical -- and I should say that both of
19 these numbers are based on our best estimates at
20 this time and may change in the future -- that the
21 fixed panel only cost would be approximately
22 \$121.5 million.

23 MR. PERRONE: Okay. Since we're on the
24 topic of the tracker panels, because I didn't see
25 a schematic on it, could you describe the drive

1 mechanism for the tracker panels, how they work
2 generally?

3 THE WITNESS (Svedlow): I certainly
4 could, but I don't think I'll do it as -- do it
5 justice, so I'd ask Mr. Clevenger to address that,
6 if he could, please.

7 THE WITNESS (Clevenger): I'd be happy
8 to. Industry standard, there are two or three
9 generally accepted drive mechanisms. The first is
10 the most common which is called a self-powered
11 drive mechanism where it uses a nonparasitic solar
12 cell to charge a battery during daylight hours,
13 and that battery then drives a DC motor to track
14 during the solar day. That battery by and large
15 charges and remains charged at all time. The draw
16 from the battery is not sufficient to wear down
17 the battery for a single day of tracking.

18 The second most commonly used method
19 for tracking drive motors is an AC parasitic motor
20 which drives multiple rows at one time. That is a
21 less technologically advanced method and is not
22 likely to be used on this project.

23 MR. PERRONE: For tracking panels do
24 you have any reliability concerns during the
25 winter, for example, could icing conditions

1 potentially jam the mechanism?

2 THE WITNESS (Clevenger): I do not. We
3 have multiple facilities operating in far northern
4 latitudes and rarely see tracking stop due to
5 icing. The only exception to that is snow
6 drifting, and we use mechanical means and
7 personnel to avoid drifting snow to prevent
8 tracking.

9 MR. PERRONE: Is that also the reason
10 why you have a higher ground clearance on your
11 tracking panels?

12 THE WITNESS (Clevenger): Precisely.

13 MR. PERRONE: So if you get a
14 significant drift and it freezes, it won't hit the
15 bottom of the panel?

16 THE WITNESS (Clevenger): That is the
17 intent. You reduce the amount of labor and man
18 hours necessary to clear a drift if you are just
19 avoiding the drifts by having higher ground
20 clearance, correct.

21 MR. PERRONE: Referencing the response
22 to Council Interrogatory Number 14, it said that
23 it's possible the project will have a mix of
24 different voltage panels. Did the applicant mean
25 potentially different wattage panels or voltage

1 and wattage?

2 THE WITNESS (Svedlow): Yeah, that is
3 an error. That should be "wattage." Apologies.

4 MR. PERRONE: This gets somewhat back
5 to the RFP topic. In terms of the total capacity
6 of the project, the 120 megawatts, are you
7 constrained to that 120 based on the RFPs and
8 other agreements, or could the project potentially
9 be smaller than that?

10 THE WITNESS (Svedlow): The project is
11 constrained to 120 megawatts on both ends. And
12 what I mean by that is on the upper end by our
13 interconnection request with ISO New England and
14 on the lower end because of our power purchase
15 agreement commitments, those are for nameplate
16 capacity.

17 MR. PERRONE: Does GPS believe that it
18 has minimized the land area required to achieve
19 your capacity goals?

20 THE WITNESS (Svedlow): Yes, we believe
21 that we have.

22 MR. PERRONE: A few other technical
23 questions. Let's see, response to Council
24 Interrogatory 29. I know we have a range of
25 angles for the fixed panels and a range of angles

1 for the tracker panels. Will they be uniform
2 though, will it be one angle for all the fixed and
3 one angle for all the trackers?

4 THE WITNESS (Svedlow): Yes, it's most
5 likely that the fixed will be uniform. It is
6 possible that in some discrete areas they may vary
7 a little bit, but the expectation is the fixed
8 would have the same angle.

9 I'd like to clarify a little bit on the
10 tracker point. The zero to 60 degrees above
11 horizontal the trackers move, so that is the range
12 of motion, that is the range of possible
13 orientations or tilts of the trackers. So it will
14 not be one number between zero and 60. It will be
15 all numbers between zero and 60.

16 MR. PERRONE: Okay. So it's not only
17 swinging between east and west, but that angle can
18 change too?

19 THE WITNESS (Svedlow): So the panels
20 will move from east to west like this
21 (indicating).

22 MR. PERRONE: Okay. Moving on, the
23 response to Council Interrogatory 33 where it
24 talks about the wildlife gaps, and the gaps would
25 be located intermittently along the fence limits.

1 Could you tell us why the gaps are intermittent or
2 at least which areas you're targeting with the
3 gaps?

4 THE WITNESS (Svedlow): I'd ask
5 Mr. Peterson or Ms. Moberg to address that,
6 please, from our side.

7 THE WITNESS (Peterson): Yes, this is
8 Jeff Peterson. The idea was to provide
9 intermittently along the fence lines opportunities
10 for wildlife to pass through. I'm not exactly
11 sure why a uniform 6 inch gap isn't provided, but
12 I know that for security purposes perhaps along
13 roadways and other areas where wildlife would be
14 less likely to travel this gap may be undesirable.
15 But, you know, it will be the way that the fence
16 will interface with the existing landscape. We'll
17 make sure that, where possible, a 6 inch gap will
18 be provided, but it does not have to be maintained
19 uniformly along the fence line.

20 THE WITNESS (Gravel): If I could just
21 add to that, Jeff. This is Jon Gravel, Gravel Pit
22 Solar. We included intermittent for those safety
23 concerns that could be on the site, you know,
24 there's a lot of activity from ATV vehicles. So
25 we just want to make sure the site has the

1 potential to be secure where it needs to be based
2 on maybe some town concerns and things like that.
3 So that's why we included intermittently. The
4 specifications of identifying those probably will
5 be done during construction and based on
6 topography and maybe outreach and concerns from
7 the town.

8 MR. PERRONE: Sorry, I must have bumped
9 mute. I'll start over. I'll get to substation
10 and switchyards later. But as far as the wildlife
11 gaps, will there be any around the substation and
12 switchyard fence?

13 THE WITNESS (Svedlow): The substation
14 and switchyard fence need to be secured under a
15 different electrical code, so we do not expect to
16 have any wildlife gaps with the substation and
17 switchyard fences, no, let alone the potential
18 safety risk of the wildlife getting into those
19 facilities.

20 MR. PERRONE: Turning to the response
21 to Council Interrogatory 35, it has to do with the
22 determination from the ISO Reliability Committee.
23 So, if I'm reading this right, you have no adverse
24 impact for 50 megawatts, and you're seeking one
25 for the full 120 which we would get by early 2021;

1 is that right?

2 THE WITNESS (Svedlow): Yeah, that's
3 correct. So the project actually has three
4 interconnection requests with ISO New England.
5 This was the first interconnection request to go
6 through the system impact study process which is a
7 prerequisite to going through the I.3.9 approval
8 process with NEPOOL. So as those system impact
9 studies are completed for the remaining two queue
10 positions, we will go forward to NEPOOL for that
11 same no adverse impact determination for the
12 balance of the project.

13 MR. PERRONE: Turning to Response 37,
14 this gets into the FAA topic. And I know that
15 there's the no hazard determinations. But looking
16 at the no hazard determinations, they include
17 heights and coordinates which seem to point
18 towards physical obstructions. My question is,
19 from those how did GPS determine that no glare
20 analyses were required?

21 THE WITNESS (Svedlow): Ms. Moberg, I
22 believe you might be able to address this.

23 THE WITNESS (Moberg): Yes, I can do
24 that. So basically we filed with FAA the Form
25 7460-1 which is a notice of proposed construction,

1 and it does, as you noted, identify the physical
2 parameters of the solar project, so the
3 geographical horizontal extents and the maximum
4 height of the proposed equipment in the facility.
5 FAA then takes that information and they look at
6 where the project is sited with respect to
7 aviation facilities, airports in the region, and
8 in this case FAA made a determination of no effect
9 for all. I think there was 17 of the Form 7460s
10 that we submitted.

11 If FAA had a concern about glare, they
12 would have requested further analysis and further
13 study rather than issuing the determination of no
14 effect. So FAA is really the chief regulatory
15 authority over these issues with respect to
16 commercial aviation.

17 MR. PERRONE: Okay. Referencing the
18 response to the Connecticut Department of
19 Transportation, DOT notes the facility would
20 encroach on DOT rail rights-of-way and would
21 require a license agreement and temporary right of
22 entry from the Office of Rails. My question is,
23 would GPS pursue such agreements with DOT?

24 THE WITNESS (Svedlow): Yes. And we
25 have had preliminary conversations with CT DOT.

1 MR. PERRONE: I'm going to move on to
2 the comments from the Connecticut Department of
3 Agriculture. Page 1, part 3, I'm going to ask GPS
4 to respond to these, part 3a, please.

5 THE WITNESS (Svedlow): Just give me a
6 moment, if you don't mind, to get that pulled up.

7 MR. PERRONE: Sure.

8 THE WITNESS (Svedlow): So apologies,
9 Mr. Perrone. You said 3a?

10 MR. PERRONE: Yes.

11 THE WITNESS (Svedlow): Thank you. So
12 we have been in contact with the Department of
13 Agriculture multiple times. We met with them in
14 July and we met with them again in September. We
15 have discussed with them a number of the items
16 listed in Item 3, but we have not discussed with
17 them -- and we're frankly surprised by some of the
18 other items because they were not brought up
19 during our conversations with the Department of
20 Agriculture initially. We intend to continue our
21 conversations with the Department of Ag, and we
22 will be looking at ways that we can adopt some
23 discrete mitigation practices on site.

24 One of the things that we do intend to
25 do, and as you've seen in our agricultural soil

1 preservation plan, we will be improving the soil
2 quality on the project site with agricultural
3 activity in mind for the purposes of agriculture
4 after the project site is no longer a solar
5 facility.

6 I don't know if Mr. DeJoia or
7 Mr. Peterson would like to add to that,
8 specifically Mr. DeJoia.

9 THE WITNESS (DeJoia): Yes. The
10 frustration on the, you know, for allowing
11 production during the life cycle of the project,
12 what we're really looking for is to increase the
13 soil health, soil quality during the life of the
14 project where data has shown that the
15 implementation of a grassland feature can increase
16 soil organic matter, decrease nutrient leaching,
17 decrease sediment runoff, which improves the whole
18 ecological system of the site, let alone adding
19 value to the surrounding agricultural areas
20 through there by having beneficial insects,
21 predatory insects, higher song bird populations
22 and such. So we believe that even without true
23 corn, soybean, tobacco production at the site that
24 we're still benefiting the entire surrounding
25 agricultural community and actually increasing the

1 production of the surrounding area.

2 MR. PERRONE: So there's no plans at
3 this time for 3d, setting aside a percentage of
4 the farmland for continued agriculture?

5 THE WITNESS (Svedlow): There are no
6 plans for that at this time, Mr. Perrone.

7 MR. PERRONE: Just lastly on this
8 topic, if you could just take a look at and
9 comment on E, F and G which is on page 2 of that
10 document?

11 THE WITNESS (Svedlow): So I'll start
12 generally with 3e, and then I may ask others to
13 join in here. Renewable energy and, you know, the
14 development of renewable energy projects is a
15 balance. Unfortunately, renewables do have a
16 large land requirement, so it is often a trade-off
17 between existing uses or potential other uses and
18 renewable energy. Our intent is to maximize the
19 production, the energy production from this land,
20 and therefore setting aside a percentage or using
21 agrivoltaics is in conflict with maximizing the
22 production, energy production of the facility on
23 the property.

24 The other two items are things that we
25 are certainly considering. We have implemented

1 pollinator habitat at other projects, including
2 another one of our projects in Connecticut,
3 Tobacco Valley Solar, and elsewhere in our fleet
4 across the U.S.

5 And for G, incorporating grazing on the
6 site is something that we are discussing. We do
7 graze animals, sheep specifically, at other
8 projects, and we will continue to evaluate grazing
9 at this project moving forward, but we have not
10 made a decision on that at this point.

11 MR. PERRONE: On the comments from the
12 Department of Energy and Environmental Protection
13 there's a paragraph on page 4 regarding aquifer
14 protection area. And DEEP notes that
15 representatives of GPS have been in contact with
16 the DEEP Aquifer Protection Program and have been
17 provided with appropriate BMPs to safeguard the
18 aquifer. Could GPS give us a summary of the BMPs
19 to protect the aquifer?

20 THE WITNESS (Svedlow): I would ask
21 that either Mr. Gravel or a member of the VHB team
22 please address that.

23 THE WITNESS (Kochis): This is Steve
24 Kochis at VHB. I'll try to address that. So the
25 standard BMPs when you're working with an aquifer

1 protection zone are such things as proper water
2 quality treatment which we are intending to do in
3 concert with our CT DEEP application, as well as
4 avoiding the storage of fuels within the aquifer
5 protection zone and the refueling of vehicles
6 within the aquifer protection zone. The aquifer
7 protection zone exists only in the northern end of
8 the Windsorville portion of the project, which is
9 the northeast portion, and those areas are already
10 disturbed. So there's much less concern,
11 according to Kim Czapla of CT DEEP, because we're
12 only proposing to work within areas that are
13 already disturbed within the aquifer protection
14 zone.

15 MR. PERRONE: Would that be the
16 northwest corner?

17 THE WITNESS (Kochis): It's essentially
18 the northern portion of those eastern parcels
19 immediately to the south of Apothecaries Hall
20 Road.

21 MR. PERRONE: Turning to the response
22 to Council Interrogatory 47, could GPS provide us
23 with an update on its consultation with DEEP NDDB
24 staff?

25 THE WITNESS (Svedlow): Yes. I'd ask

1 that Mr. Gravel or VHB please address that.

2 THE WITNESS (Gravel): Sure, I can
3 address that. So our most recent contact with
4 NDDDB was on October -- I'm sorry -- yes, October
5 23rd. It was a positive meeting as we describe in
6 our interrogatories. From that meeting we're
7 working on identifying or working with NDDDB on our
8 mitigation measures for wildlife, and we've
9 actually requested another meeting with NDDDB. So
10 long story short, we're continuing to work with
11 them regarding the appropriate measures.

12 MR. PERRONE: And on a different note,
13 could GPS give us an update on your consultation
14 with the State Historic Preservation Office and
15 summarize any changes you may be considering at
16 this time regarding SHPO concerns?

17 THE WITNESS (Svedlow): Yes.
18 Ms. Kenney, would you mind addressing that?

19 THE WITNESS (Kenney): Sure. Can you
20 hear me okay? So in terms of the SHPO, we have
21 had a number of meetings with them, and, you know,
22 on October 16 -- well, on October 16th we had a
23 site visit to review some of the above-ground
24 structures. So I'm not sure if you received a
25 copy of the November 6th letter from the SHPO to

1 the project. I believe it was submitted to the
2 Council.

3 MR. PERRONE: Yes.

4 THE WITNESS (Kenney): And in that
5 letter it documents accurately the current status
6 of our consultation. So when we met on site on
7 October 16th, we reviewed a lot of the
8 above-ground structures and discussed with the
9 SHPO some that we would propose to keep, and some
10 that we would propose to remove. We're still
11 working through those details with the SHPO which
12 ones will remain and which ones we'll take down,
13 and so that's still an active discussion that is
14 underway, and it's proceeding very constructively.

15 MR. PERRONE: Thank you. And lastly,
16 I'm going to move on to the substation switchyard
17 and interconnection topics. Before we were
18 talking about wildlife gaps, but what is the type
19 and height of the substation fence?

20 THE WITNESS (Svedlow): Mr. Gravel, I
21 think you have that exact number in front of you.

22 THE WITNESS (Gravel): Yeah, this fence
23 will be a chain-link 8 feet and topped with barbed
24 wire.

25 MR. PERRONE: As far as -- I'm sorry.

1 As far as the base of the substation, would it be
2 like a gravel or a trap rock or what kind of base?

3 THE WITNESS (Svedlow): The base of the
4 substation, it's typically a mix of concrete pad,
5 riprap, gravel.

6 Mr. Clevenger, do you want to add
7 anything else to that?

8 THE WITNESS (Clevenger): That's
9 accurate. Generally there are pits or sumps
10 surrounding or underneath large components that
11 require concrete pads for foundation, and the
12 balance of the substation is generally gravel with
13 grounding mesh below it.

14 MR. PERRONE: Could you tell us about
15 the containment measures underneath the generator
16 step-up transformer in the event of leakage of
17 insulating oil?

18 THE WITNESS (Svedlow): Mr. Clevenger,
19 if you want to address that.

20 THE WITNESS (Clevenger): I can.
21 Generally, they are constructed per IEEE code. I
22 can't quote the code, but we have to comply with
23 the containment code, and we intend to do so.

24 MR. PERRONE: That's all I have for the
25 substation. Lastly, I'm going to move on to the

1 switchyard and transmission connection. Is the
2 Eversource switchyard and transmission connection
3 considered part of this application, or based on
4 your consultation with Eversource is it GPS's
5 understanding that a petition would be filed for
6 the Eversource portion?

7 THE WITNESS (Svedlow): So the
8 switchyard itself will be built by Gravel Pit
9 Solar and transferred to Eversource at
10 commissioning. So our intent is for the
11 switchyard component to be part of this
12 application. There is additional work that
13 Eversource will need to perform, including a line
14 loop and potentially a pole structure, that would
15 be filed, it's our understanding, based on
16 conversations with Eversource, that would be filed
17 separately in a petition.

18 MR. PERRONE: Okay. And the switchyard
19 fence, would that also be 8 feet with barbed wire?

20 THE WITNESS (Svedlow): That's my
21 understanding, yes.

22 MR. PERRONE: Okay. And the base of
23 the switchyard?

24 THE WITNESS (Svedlow): Similar
25 material, similar construction as the substation.

1 MR. PERRONE: Okay. All right. I had
2 a few questions on the interconnection, but that's
3 separate. Thank you. That's all I have.

4 MR. SILVESTRI: Thank you, Mr. Perrone.

5 I normally don't like to ask questions
6 until we go through other Siting Council members,
7 but while it's fresh in our minds, I need two
8 clarifications. Mr. Svedlow, you had mentioned
9 the words "land control" in your discussion about
10 the optional access point. Could you define what
11 you mean by land control?

12 THE WITNESS (Svedlow): Irrevocable
13 rights to purchase or lease the property. There
14 is a small inholding that's owned by the East
15 Windsor Sportsman's Club that is informally used
16 by the gravel mine. We are in negotiations with
17 the East Windsor Sportsman's Club to purchase a
18 portion, that portion of their property, but those
19 negotiations are still ongoing.

20 MR. SILVESTRI: Thank you. I was just
21 curious about the definition of land control.
22 Thank you.

23 The other clarification I had is when
24 you were discussing with Mr. Perrone about the
25 letter from agriculture, was your conversations

1 with agriculture before or after you received that
2 letter?

3 THE WITNESS (Svedlow): Before.

4 MR. SILVESTRI: Thank you. That's all
5 I have for now. I'll keep my other questions for
6 after the other Siting Council members have their
7 opportunity to question.

8 I'd like to continue now with
9 cross-examination of the applicant by
10 Mr. Morissette, please.

11 MR. MORISSETTE: Thank you, Mr.
12 Silvestri. Can you hear me okay?

13 MR. SILVESTRI: Yes, I can. Thank you.

14 MR. MORISSETTE: Great. Good
15 afternoon, everyone. I would like to start with
16 Exhibit F, which was filed with the first set of
17 interrogatories. And if you could keep that
18 exhibit available for reference, it's very useful
19 for giving a general overview of the project. I
20 want to make sure I understand the layout. The
21 gravel pit consists of the most northern piece off
22 of Apothecaries Hall Road; is that correct?

23 THE WITNESS (Svedlow): That's
24 generally correct. The active gravel mining
25 operation is occurring in the area just south of

1 Apothecaries Hall Road. That entire parcel, or
2 there's actually, I believe, three parcels with
3 common ownership there, are all part of a gravel
4 mining operation. So it is a phased operation
5 that has been going on for a number of years. A
6 number of the phases have been closed out and
7 restored primarily in the southern part of that,
8 southern and eastern part of that parcel. They're
9 now in a few active phases in the northwest part
10 of that parcel, and then they have additional
11 phases permitted, if it were to continue in the
12 future, east of there on that same parcel.

13 There is also a former gravel mine,
14 sand mine, south of the railroad tracks at the
15 northern end of the southern part of the project
16 area, so just south of Ketch Brook, that parcel is
17 also a gravel mine, gravel and sand mine.

18 MR. MORISSETTE: Okay. Just below
19 Wetland 1, in between Wetland 1 and Wetland 10,
20 would that be accurate?

21 THE WITNESS (Svedlow): I believe
22 that's correct, Mr. Gravel.

23 THE WITNESS (Peterson): Yes.

24 THE WITNESS (Gravel): Yeah, I was just
25 going to interject. I'm sorry, Jeff. Yeah, in

1 around Wetland 10 and a little bit west of there
2 you can see our proposed access road running
3 north-south. That's about the middle of the old
4 gravel pit where the access road is.

5 MR. MORISSETTE: Okay. Does the gravel
6 pit also include the area where the proposed
7 substation and switchyard are located?

8 THE WITNESS (Svedlow): Yes, it does.

9 MR. MORISSETTE: Okay. So those three
10 large areas are essentially old gravel pit areas.
11 Okay. I would like to ask questions relating to
12 the horizontal directional drilling that's going
13 to go under Ketch Brook. Now, can you, using this
14 Exhibit F, describe to me -- and hopefully you can
15 file a Late-File exhibit showing where the two
16 pits will be to perform that drilling to go under
17 Ketch Brook -- can you describe to me where those
18 locations will be?

19 THE WITNESS (Svedlow): Yes.

20 Mr. Gravel, do you want to describe those, please?

21 THE WITNESS (Gravel): Sure. Start on
22 the south side. If you go, draw a line, say,
23 directly north from Wetland 10, you'll see a kind
24 of nub of panels and an access road ending to the
25 far north, that is where our first bore pit

1 location would be. From there it will be a
2 straight tangent to underneath the wetland system
3 and Ketch Brook, and popping up on that you can
4 see an orange work space identified just west of
5 the railway next to Wetland 10. There's an access
6 road in yellow kind of leading that way where
7 there's no panels.

8 MR. MORISSETTE: Near Wetland 10?

9 THE WITNESS (Gravel): I'm sorry. So
10 Wetland 10 we described our first bore pit. And
11 so that's directly north of Wetland 10 near that
12 access road where it ends, that's our first bore
13 pit. From there we're crossing underneath Ketch
14 Brook, and then one in a single HDD, and it will
15 pop up in this orange kind of circular football
16 shaped work space which is located west of the
17 railway. Do you see that next to Wetland 1?

18 MR. MORISSETTE: Oh, okay, I see it
19 now. Okay.

20 THE WITNESS (Gravel): All right. So
21 that will be one single bore there. So it will
22 cross Ketch Brook. It will surface in that work
23 space. And then from that location we'll do a
24 second bore in that same spot, and that will go
25 directly underneath the railway and pop up east of

1 Wetland 11 and near the access road.

2 MR. MORISSETTE: Okay. And then it
3 will follow the access road to the substation?

4 THE WITNESS (Gravel): From there it
5 will interconnect to the substation.

6 MR. MORISSETTE: Through the access
7 road?

8 THE WITNESS (Gravel): Along the road,
9 that's right.

10 MR. MORISSETTE: Under the access road
11 or over the access road, overhead or underground?

12 THE WITNESS (Gravel): Currently we're
13 contemplating the AC collection to be underground.

14 MR. MORISSETTE: Underground, okay.

15 THE WITNESS (Gravel): Uh-huh.

16 MR. MORISSETTE: Very good. That's
17 helpful. I don't know if you have a diagram that
18 will show that for the record. That might be
19 helpful, if you could file that.

20 THE WITNESS (Moberg): Hi, this is Sue.
21 If I could just interject that the locations of
22 the bore pits and the general location of that
23 directional drill are actually depicted on the
24 project layout map that was submitted as part of
25 the application in Appendix A figures.

1 MR. MORISSETTE: Okay. Very good.

2 Thank you. That's helpful.

3 THE WITNESS (Moberg): You're welcome.

4 MR. MORISSETTE: Okay. Moving down on
5 that same Figure F, along the railroad near Vernal
6 Pool 1 there's an indent area. Could you please
7 describe what's there south of Vernal Pool 1?

8 THE WITNESS (Svedlow): Mr. Gravel or
9 Mr. Peterson, would you please address that?

10 THE WITNESS (Gravel): Go for it, Jeff.

11 THE WITNESS (Peterson): You're talking
12 about the outparcel, is that correct, Mr.
13 Morissette?

14 MR. MORISSETTE: I think so.

15 THE WITNESS (Peterson): Yes. It's an
16 outparcel. That area looks like an open field on
17 the aerial, you know, closest to the wetland, but
18 it's actually reverting through shrub cover.
19 There is nothing going on there right now. The
20 ownership may be across the track in that
21 location, but I'm uncertain. There are no houses
22 or anything.

23 THE WITNESS (Svedlow): Mr. Peterson,
24 if I could just step in. Thank you, that was
25 accurate. I want to add a little bit to that. I

1 have met with this landowner. Their ownership,
2 it's my understanding, does extend across the
3 railroad tracks and includes that parcel that is
4 north of Wapping Road and south of the bulk of the
5 Northern Capital Landfill. That parcel is also a
6 proposed gravel mine. I'm not confident that they
7 have their permits. They may. But it is slated
8 for gravel extraction, at least east of the
9 tracks, but also possibly west of the tracks.

10 MR. MORISSETTE: Thank you. Have you
11 met with the landowner and he's aware of the
12 proposed facility?

13 THE WITNESS (Svedlow): I have met with
14 the landowner, yes, yes.

15 MR. MORISSETTE: Okay. And then going
16 along Plantation Road, it looks like a farm. Is
17 that the farm where the landowner has his
18 operation?

19 THE WITNESS (Svedlow): Yeah, there's a
20 number of structures along Plantation Road. So
21 south of Plantation Road is the former farmhouse.
22 It is no longer inhabited, nobody lives there. I
23 don't know if it is inhabitable. I don't know if
24 that's a word. North of Plantation Road there are
25 a few businesses. There's a, I believe it's a

1 self-storage business, there's a few offices in
2 there, some light industrial, and then there is a
3 wood reclamation building or business which is on
4 the west side of that northern cluster of
5 buildings.

6 MR. MORISSETTE: Okay. Thank you. And
7 have you met with the property owner of those two
8 properties?

9 THE WITNESS (Svedlow): I have met with
10 the owner of the wood reclamation business. I
11 have not met with the owner of the other business,
12 although we have been in communication. They're
13 informed about the project.

14 MR. MORISSETTE: Have they provided any
15 feedback to you in a negative way?

16 THE WITNESS (Svedlow): The owner of
17 the wood reclamation business was interested in
18 potentially some -- I'm going to be careful how I
19 say this -- he would like to potentially get some
20 of the lumber from any barns that we take down,
21 and he has asked us if we could allow him to erect
22 some fencing along Plantation Road on our property
23 that would essentially serve as light advertising
24 for his business. He's also talked to us about
25 potentially acquiring a small portion of our

1 property that's directly behind his facility. We
2 have open lines of communication with him. We did
3 offer him some screening, but he felt like at the
4 time I spoke to him that his screening was
5 sufficient. He does have a number of arborvitae
6 planted on the west side of his business. If that
7 changes in the future, we'd certainly consider
8 working with him to reduce visual impacts, if
9 there are any.

10 MR. MORISSETTE: Great. Thank you. In
11 DEEP's response or letter to the Council they
12 mentioned a capped landfill. Could you direct me
13 to where that is located?

14 THE WITNESS (Svedlow): Yes, sir. The
15 closest capped landfill -- and Mr. Gravel, please
16 jump in here if I'm misspeaking -- is the small
17 inholding parcel east of Wetland 10.

18 THE WITNESS (Gravel): That's correct.
19 MR. MORISSETTE: So is that also east
20 of Wetland 14 and 15 along the railroad?

21 THE WITNESS (Gravel): That's correct.
22 Wetland 15 and 14 are pretty much on the property
23 line. The capped landfill is east of that
24 property line.

25 MR. MORISSETTE: Okay, great. So the

1 landfill will not be impacted in any way?

2 THE WITNESS (Svedlow): No, it will not
3 be. It's on a separate piece of property.

4 MR. MORISSETTE: Very good. Thank you.
5 Okay. Moving on to the same Exhibit F, there's
6 the table in the upper left-hand corner. And the
7 distance column for Wetland 10 and 11 you have
8 N/A, and for 15 an N/A, and 16 has been corrected
9 to 100 feet. Can you explain to me what the N/A
10 means, I know it means "not applicable," but what
11 it means in association with no distance to the
12 wetlands? Does that mean it's zero or it's not
13 applicable for another reason?

14 THE WITNESS (Svedlow): Mr. Gravel,
15 could you start addressing that and then, Mr.
16 Peterson or Ms. Moberg, if you have additional
17 feedback, please.

18 THE WITNESS (Gravel): I think I know
19 the answer, but I'd probably give it to Jeff
20 Peterson just to make sure it's clarified
21 properly.

22 THE WITNESS (Peterson): Thank you,
23 Jon. Yeah, essentially there are a series of
24 small wetlands that formed at the toe of the
25 landfill on the subject -- you know, they're

1 mostly off the property in the case of Wetland 14
2 and 15, but portions of them are on the property.
3 So there is no setback being observed for these
4 small wetlands. You know, when the landfill was
5 capped, it was capped with an impervious liner,
6 and that liner comes down and ends just short of
7 the property line. And during wetter times of the
8 year water trapped above that liner, you know,
9 emerges right at the property line before it
10 reinfilters back into the ground. These,
11 Wetland 14 and 15, were not given a setback.
12 Wetland 10 also, you know, we're proposing to
13 construct above wetland 10.

14 We did an aerial photo chronology to
15 look at where that wetland came from, and it is
16 not apparent on the landscape and was not mapped
17 in the soil survey that was conducted in the
18 1960s. It first appears around 2000, which
19 coincides with the date that the landfill was
20 closed, and changed the watershed affecting this
21 part of the property. So these, you know,
22 wetlands were considered artifacts, basically, you
23 know, they're regulated under Connecticut state
24 law, but, you know, kind of developed as a result
25 of an operation to close a landfill and, you know,

1 are not being -- no setback is being provided.

2 It's important to note that Wetland 10
3 was in the middle of an agricultural field before
4 a gravel mine was initiated and, you know, was
5 routinely plowed. So that was open. It doesn't
6 involve clearing. And Wetlands 14 and 15 are
7 right up against the property line.

8 THE WITNESS (Svedlow): Mr. Peterson,
9 could I ask you to clarify something? Would you
10 say that the function and value of Wetland 10, to
11 the extent there is any, will remain after our
12 facility is built even though we do plan to have
13 some panels erected?

14 THE WITNESS (Peterson): Yeah. Well,
15 Wetland 10, probably its most important function
16 occurred during the closure of the landfill when
17 that area was quite a steep slope facing the
18 property, and it, you know, as a depression on the
19 landscape trapped a lot of sediment. Out there
20 today, you know, despite having delineated it, the
21 area is being used for stump stockpiling and
22 windrowing. This function, you know, basically
23 it's a silt loam soil that's been sealed by
24 compaction in a depression, and any function that
25 it has will be, you know, maintained after panels

1 are erected over the top that is trapping any
2 sediments that, you know, end up in this area and
3 infiltrating, eventually infiltrating stormwater
4 into the ground.

5 MR. SILVESTRI: I'm not sure if I
6 actually understood the answers that came forward.
7 Mr. Morissette, I guess, was looking to say what
8 does N/A mean. Am I under the correct impression
9 that N/A means no buffer?

10 THE WITNESS (Peterson): That would be
11 correct.

12 MR. SILVESTRI: Thank you.

13 MR. MORISSETTE: It essentially means
14 zero, no distance to the wetland.

15 While we're on the topic of Wetland 10,
16 I did see the response to the interrogatory
17 relating to the Army Corps of Engineers and that
18 Wetland 10 is not connected to navigable water.
19 And that surprised me because you are classifying
20 it as a wetland under Connecticut wetland
21 requirements, I believe. So I don't understand
22 why, I mean, if you're installing racks in that
23 area and you will be installing into a wetland,
24 why you don't have to notify Connecticut DEEP
25 and/or the Army Corps of permanent fill being

1 associated with that activity.

2 THE WITNESS (Peterson): Well, that
3 would be assuming that permanent fill is proposed.
4 From my understanding, the activity that's
5 proposed in there is driving posts for racking,
6 which driven posts are not considered fill. And
7 the only activity that's proposed along Wetland 14
8 and 15 is some minimal clearing of -- you know,
9 the farm edge, or the former farm edge before it
10 was a gravel pit, already came up close to these
11 wetlands, but there would be additional clearing
12 in that area. No direct impact is proposed.

13 MR. MORISSETTE: Okay. So that the
14 structures are not considered permanent fill
15 therefore permitting is not required?

16 THE WITNESS (Peterson): Well, and also
17 under the latest interpretation, you know, there's
18 been a clarification recently of waters of the
19 U.S., and the former definition that was used
20 prior to this July, I believe it was, of this year
21 allowed for a significant nexus, that is, if a
22 wetland was close to another wetland that was
23 adjacent to waters of the U.S., that nexus could
24 be used to provide jurisdiction under Section 404.
25 That has been recently clarified. And wetlands

1 that are isolated and have no surface hydrologic
2 connections to waters of the U.S. are no longer
3 subject to Section 404 jurisdiction.

4 MR. MORISSETTE: Thank you. That's
5 very helpful. Okay. One more question on this
6 map. How about Wetland 11, that has has an N/A
7 associated with it as well, why is there not a
8 buffer there?

9 THE WITNESS (Peterson): I'm looking
10 for that one. Just a second.

11 MR. MORISSETTE: Sure. It's north of
12 Wetland 1.

13 THE WITNESS (Moberg): It's north of
14 Ketch Brook.

15 THE WITNESS (Peterson): Oh, yeah,
16 yeah. This one, again, there's no fill proposed
17 in this wetland, but this wetland occurs sort of
18 in the gap that was formed when the operator of
19 the gravel pit went to close the mine. So
20 basically you have an excavation face that you try
21 to grade an even slope out into, you know, the
22 original cut was fairly vertical, very close to
23 his property line, and as he closed the mine, he
24 pushed up soil but did not match the back wall of
25 the pit leaving a narrow gap. That has become a

1 wetland.

2 My understanding is that there is no
3 activity proposed in this wetland, but again,
4 there is no buffer being provided to it. This
5 again is an artifact of the manner in which the
6 gravel pit in this case was being closed.

7 MR. MORISSETTE: Okay. What is the
8 Town of East Windsor's wetland buffer requirement,
9 do you know?

10 THE WITNESS (Peterson): You know,
11 towns, cities and towns in the State of
12 Connecticut generally do not have a buffer
13 requirement, but what they do have is what's
14 called a regulated area. That is a dimensional
15 distance from the edge of the wetland over which
16 they exert jurisdiction. And for the Town of East
17 Windsor that is generally 150 feet.

18 MR. MORISSETTE: Okay. Thank you.
19 Thank you, Mr. Peterson. That was very helpful.
20 Okay. I'm going to move on off of Exhibit F.
21 Keep it handy though. I will probably be
22 referring to it. Moving on to the narrative of
23 the application, I would like to go to Section
24 3.2, Project Purpose and Need. In the last two
25 sentences, The project will increase Connecticut's

1 installed energy capacity by 25 percent. Now, my
2 understanding, that 25 percent is based on 120
3 megawatts, correct?

4 THE WITNESS (Svedlow): That's correct.

5 MR. MORISSETTE: And then in
6 Connecticut through the RFP process CL&P and UI
7 have signed up for 20 megawatts, so that
8 percentage going to Connecticut's solar capacity
9 is something much smaller than 25 percent based on
10 the 465 megawatts of total installed solar
11 capacity. Can you tell me what that percentage --

12 THE WITNESS (Svedlow): I certainly
13 understand the point. I would like to clarify a
14 little bit.

15 MR. MORISSETTE: Sure.

16 THE WITNESS (Svedlow): There is a
17 difference between energy sales and installed
18 capacity. The installed capacity of the facility
19 is 120 megawatts. Those 120 megawatts will be
20 installed in Connecticut and will contribute to
21 generation that goes onto the grid in Connecticut.
22 Because New England is a unified grid under ISO
23 New England, it is a single market, we're able to
24 have financial transactions with other
25 counterparties outside of Connecticut fairly

1 seamlessly. But the actual electrons from the
2 facility, where that goes, typically the nearest
3 load to the facility is where those electrons are
4 essentially going. Beyond that it's past my
5 expertise. But the point being is we are adding
6 capacity, new generation that is in Connecticut.
7 Regardless of where the electricity sales are,
8 that energy is being generated and put onto the
9 grid in Connecticut, and that was the point of the
10 statement in the narrative.

11 MR. MORISSETTE: Very good. What level
12 of capacity are you planning to bid into FCA
13 auction number 15?

14 THE WITNESS (Svedlow): So we are in
15 the process of qualifying for capacity for FCA 15.
16 Typically, we haven't fully qualified yet, but
17 typically the capacity is based on what we've seen
18 in New England, I should caveat, is 40 percent of
19 the nameplate of the facility during summer
20 months, and then some percentage typically much
21 lower for the winter period. They are starting to
22 qualify solar facilities for a little bit of
23 capacity in the winter period from what I've seen,
24 but we would expect 40 percent of the nameplate
25 for the summer period.

1 MR. MORISSETTE: Okay. So that's about
2 30 megawatts will be bid into the forward capacity
3 auction.

4 THE WITNESS (Svedlow): We'd be happy
5 to bid more if they'd qualify us for more.

6 MR. MORISSETTE: Moving on to the
7 discussion about PURA, your approval at PURA for
8 your PPAs for CL&P and UI were for the 20
9 megawatts only, correct?

10 THE WITNESS (Svedlow): That's correct,
11 sir.

12 MR. MORISSETTE: So their statement
13 that they meet a clear public need is associated
14 with the 20 megawatts only and not the 120?

15 THE WITNESS (Svedlow): I can't speak
16 to what PURA's rationale was in their statement,
17 but the proceedings were relevant only to the 20
18 megawatts that UI and Eversource were procuring.

19 MR. MORISSETTE: Very good. Thank you.
20 Okay. Moving on to the site selection,
21 Alternative 1 is in Halifax and Middleborough,
22 Massachusetts. Whereabouts is that located,
23 where is Halifax and Middleborough?

24 THE WITNESS (Svedlow): Halifax and
25 Middleborough would be considered southeastern

1 Massachusetts, so south of Boston, north of Cape
2 Cod.

3 MR. MORISSETTE: Heading towards the
4 Cape. So that's a pretty congested area. Okay.

5 Alternative 2 in Vermont, can you
6 explain what the transmission constraints
7 associated with the Highgate Export Interface work
8 will be?

9 THE WITNESS (Svedlow): I can give it a
10 go. It's a fairly complicated issue, but I have
11 tried to develop projects in that area before.
12 There is a lot of land that is suitable for solar
13 production or solar projects in that area, and
14 there is transmission there. The issue is there
15 is one large substation that is a constraint for
16 Northern Vermont, and we're talking about the area
17 north of Burlington generally. It is also a
18 converter station for a DC line that comes in from
19 Quebec. And the issue is there is a lot of
20 generation and basically not enough capacity on
21 the existing lines to allow that generation to get
22 out of Northern Vermont, and therefore there's
23 curtailments associated with that constraint in
24 that area.

25 MR. MORISSETTE: Yeah. Okay. The

1 capacity of Highgate has always been pretty much
2 limited. Okay, that's fine. Thank you.

3 Concerning Alternative 3, how far is
4 the 115 -- this is the site in Torrington -- how
5 far is the 115 line from that site?

6 THE WITNESS (Svedlow): I believe it
7 was within a mile, but it would have required the
8 crossing of multiple private properties and roads
9 to get to that point of interconnection.

10 MR. MORISSETTE: Okay. And it had
11 substantial environmental concerns associated with
12 that site as well?

13 THE WITNESS (Svedlow): Yeah, there
14 were. And I was concerned with the soils and the
15 topography. There were some flat areas, but the
16 shallow soils and depth to bedrock would have
17 really been prohibitively expensive for a utility
18 scale solar project there.

19 MR. MORISSETTE: Okay. Fair enough.
20 Thank you. Moving on to 3.5, Project Description,
21 specifically the interconnection. The switchyard,
22 do you know at this point what line you're going
23 to connect to, the 1100 or the 1200 line, or both?

24 THE WITNESS (Svedlow): We do. It's
25 the 1200 line which is the southern line.

1 MR. MORISSETTE: That goes to Barber
2 Hill?

3 THE WITNESS (Svedlow): That's correct,
4 Barber Hill on one end, and I believe it's Windsor
5 Locks on the other end.

6 MR. MORISSETTE: Thank you. Has any
7 environmental review been done for the switchyard
8 and the substation?

9 THE WITNESS (Svedlow): Yes, sir, the
10 environmental review for the entire project site
11 covered the switchyard and project substation.

12 MR. MORISSETTE: Okay, great. Okay.
13 Moving on to Section 6.2. Concerning Wetland 1,
14 I'll go back to our map here, was there any
15 evaluation done of it to determine if there's any
16 impact on the cold water fishery associated with
17 Ketch Brook?

18 THE WITNESS (Svedlow): I'm going to
19 ask Mr. Peterson and the VHB team to address that
20 initially, please.

21 THE WITNESS (Peterson): Thank you.
22 Yes, Mr. Morissette, you know, this, of course, is
23 a concern. It is a cold water fishery. And, you
24 know, there are several measures that were taken
25 in the design. Essentially, the first one, not

1 clearing any vegetation that's directly shading
2 the brook. You know, there is an adequate setback
3 from that resource such that no additional solar
4 energy will directly impact the brook itself.

5 Second, you know, in terms of
6 stormwater management, there are no practices
7 proposed that would pond water on the surface
8 where it could warm up, and when the next storm
9 comes along, you know, you get a slug of warm
10 water coming out of your stormwater management
11 feature.

12 I think one thing that is important to
13 note is that for the portion of the project that
14 is north of Ketch Brook, there will be no
15 discharge, and Steve Kochis can correct me if I'm
16 wrong, but no discharge up to and including the
17 100 year storm. All of the stormwater generated
18 north of the brook will be infiltrated similar to
19 the situation that exists out at the gravel pit
20 today.

21 South of the brook, again, basically by
22 primarily, you know, limiting the development to
23 the level farmland areas and staying out of the
24 steeper ice contact deposits that separate the
25 project from Ketch Brook provides an adequate

1 buffer, you know, to prevent the direct discharge
2 of warm water into the brook.

3 The design proposed for stormwater
4 management takes advantage of the fact that
5 there's a lot of stratified drift out there. The
6 reason why there are gravel pits there is because
7 there is gravel, and this provides an ideal area
8 within which to infiltrate stormwater and recharge
9 the groundwater around the perimeter of the site.
10 Particularly adding to this ability is the fact
11 that, you know, the ice contact deposits have many
12 closed depressions in them that are not wetland,
13 and several of these will be used for the
14 discharge of stormwater.

15 So, you know, by taking advantage of
16 existing site features, avoiding clearing of trees
17 adjacent to the brook, avoiding any direct
18 discharge, or the use of BMPs, that could
19 discharge thermally enhanced stormwater, we
20 believe we've protected this resource.

21 MR. MORISSETTE: Thank you. Concerning
22 the aquifer, is it possible to file as a Late-File
23 exhibit where the aquifer is located?

24 THE WITNESS (Moberg): I can start on
25 that one, and maybe Steve has some follow-up. But

1 the application that was filed in July, Exhibit A
2 was the figures, there is a floodplain surface and
3 groundwater resources map that was included as
4 part of Exhibit A. And the aquifer protection
5 area is identified on that figure in kind of a tan
6 color. It's pretty localized to the very northern
7 part of the project generally either off site or
8 within the Charbonneau Gravel Pit.

9 MR. MORISSETTE: Great. Thank you.

10 THE WITNESS (Moberg): You're welcome.

11 MR. MORISSETTE: Okay. Now I'm going
12 to move on to the interrogatory responses, Set
13 One. Before I do that, I have a general question.
14 I read somewhere -- and I can't find it. I've
15 gone back and looked several times -- where it
16 said that Connecticut, Massachusetts and Rhode
17 Island had a green energy pact. And my
18 understanding is that the three states have in
19 general terms a pact that they will work to
20 promote renewable energy in the region.

21 My question is, did the Connecticut
22 RFP, was it part of that pact, or was it
23 Connecticut on its own in concert with trying to
24 fulfill its obligation under that pact issuing
25 that RFP? Hopefully I was clear on that.

1 THE WITNESS (Svedlow): Yeah, I think I
2 understand where you're going. So I'm not aware
3 of a formal pact. I will say that Connecticut,
4 Rhode Island and Massachusetts have in the past
5 issued joint RFPs, and I actually participated in
6 those with previous companies I've worked at. So
7 the tristate RFP from a number of years ago was an
8 example of that. This all, I think, relates to
9 the regional approach that Southern New England,
10 in particular, but also all of New England,
11 because, again, as I mentioned, is part of that
12 single grid, takes to energy procurement and just
13 energy issues in general. You know, the regional
14 need for new power as a result of older generating
15 facilities, fossil facilities coming offline is
16 not isolated to any one state, so often multiple
17 states, or parts of the New England region will
18 work together to solicit for new generation. And
19 we have, for example, as part of the zero carbon
20 process, we have -- RFP rather, we have other
21 projects outside of Connecticut that will be
22 servicing Connecticut from New Hampshire and Maine
23 in that example.

24 MR. MORISSETTE: Thank you. So this
25 was not part of like a tristate RFP, this was, you

1 know, to fulfill the need for renewable energy
2 specifically in Connecticut on its own and/or
3 Rhode Island on its own?

4 THE WITNESS (Svedlow): That is
5 correct. But again, it is a regional grid so it
6 is providing benefits to all those states
7 regardless of who is procuring the power, but
8 correct.

9 MR. MORISSETTE: Understood. Okay.
10 Moving to the response to Interrogatory, Set One,
11 Question 3, the table. I want to make sure I
12 understand the table. So Connecticut is
13 approximately 20 megawatts with CL&P and UI.
14 Narragansett and Block Island and Pascoag is
15 another 50. So the remaining 30 megawatts is
16 associated with municipalities in Massachusetts.
17 Was that part of a global RFP for all the
18 municipalities, and has that RFP been completed,
19 and have all the PPAs been executed?

20 THE WITNESS (Svedlow): So it was not
21 part of an RFP in the traditional sense. These
22 PPAs, I should say, are signed, are fully executed
23 and have been approved by the respective municipal
24 boards that govern these different light
25 departments, but it was not part of a widely known

1 RFP. This was the result of bilateral discussions
2 between DESRI, the project proponent, and a
3 municipal light aggregator group called Energy New
4 England that works with all of these light
5 departments to help them procure energy.

6 MR. MORISSETTE: Great. Thank you. So
7 the selection dates on the side, they go from 2018
8 to 2038, is that the delivery dates?

9 THE WITNESS (Svedlow): I'm going to
10 have to eat a little crow here. That is an
11 unfortunate typo. That is supposed to be June 26,
12 2020 all the way down. And it looked like what
13 happened is Excel decided to give me an extra year
14 on each one of those. So apologies. That's not
15 correct.

16 MR. MORISSETTE: Okay. So it should be
17 June 26, 2020 for everything below Belmont
18 municipal?

19 THE WITNESS (Svedlow): All of those
20 should be the same.

21 MR. MORISSETTE: Okay. So the delivery
22 dates, I assume, are all the same that when the
23 project goes online you'll be delivering to all,
24 100 percent of your contracted PPAs will be all
25 set for delivery?

1 THE WITNESS (Svedlow): Yes, that's
2 correct, sir, at the end of 2022.

3 MR. MORISSETTE: Great. It confused me
4 because I saw 2038, and I was, well, what are they
5 going to do in between 2020 and 2038. Okay.
6 Thanks for clarifying that. Well, that eliminated
7 about four other questions.

8 THE WITNESS (Svedlow): Apologies for
9 that.

10 MR. MORISSETTE: Okay. You indicated
11 the total cost of the project is 125 million.
12 Does that include the substation and the
13 switchyard?

14 THE WITNESS (Svedlow): That's correct.
15 That's our estimated costs all-in at this point.

16 MR. MORISSETTE: Okay. Thank you. And
17 Question 23, you indicated that you're not
18 contemplating battery storage at this time. And
19 I'm curious why, you know, for such a large
20 facility and with the amount of property that's
21 going to entail that battery storage would fit
22 nicely. And I would like to know if you could
23 expand on that a little bit more.

24 THE WITNESS (Svedlow): Yeah. And I
25 may ask Mr. Clevenger to jump in here a little bit

1 too. But battery storage is something that we are
2 working on elsewhere in our fleet of projects.
3 The issue at this point is fundamentally an
4 economic issue. The battery storage facilities
5 stand-alone or with solar without an incentive
6 program or some other sort of mechanism to close
7 the financial gap are just not -- they're not
8 lucrative enough, and they're not financially
9 working, frankly, at least as far as we're
10 concerned. So we are working on battery projects
11 elsewhere where there are some incentives and the
12 market is structured in a slightly different way
13 that allows us to feel comfortable participating.
14 But we see batteries still as an emerging
15 technology, and we're watching that closely, but
16 because of the current market mechanisms in New
17 England and elsewhere and without additional
18 market incentives, we're not comfortable doing
19 storage at most of our facilities.

20 Mr. Clevenger, would you like to add
21 anything else to that?

22 THE WITNESS (Clevenger): No, that's
23 very accurate. Also, the time at which these PPAs
24 were settled and negotiated and the DC capacity
25 available were not consistent with the excess DC

1 necessary to also have a storage or a BESS.

2 MR. MORISSETTE: And so therefore
3 you're not building any type of potential
4 expansion or setting yourself up to structurally
5 be able to interconnect batteries at all?

6 THE WITNESS (Svedlow): That's correct.

7 THE WITNESS (Clevenger): Go ahead.

8 THE WITNESS (Svedlow): I will say that
9 nothing that we're doing would prohibit them, but
10 it is not currently contemplated, and we are not
11 structuring it that way currently.

12 MR. MORISSETTE: Okay. I just want to
13 make sure I'm clear on one thing. Now, going back
14 to the table up top -- and this will be my last
15 question, Mr. Silvestri. And I apologize for
16 taking so much time -- going back to the table of
17 the contracts. So I just want to make sure that
18 under the PPAs for Connecticut, Connecticut
19 utilities, both CL&P and UI, will be getting 20
20 megawatts of renewable energy credits and energy
21 from this facility. So to meet their RPS goals,
22 20 megawatts will be assigned to a total of those
23 two utilities?

24 THE WITNESS (Svedlow): That's correct.
25 The PPAs we have with the Connecticut utilities

1 total 20 megawatts.

2 MR. MORISSETTE: And therefore the
3 benefit associated with meeting their RPS goals
4 will only be 20 megawatts.

5 Okay. Mr. Silvestri, that's all the
6 questions I have. Thank you very much.

7 MR. SILVESTRI: Thank you, Mr.
8 Morissette. No apology necessary. I was not
9 going to interrupt you. Thank you for your
10 questions.

11 I'd really like to take a short break.
12 I have 3:56 right now. Why don't we come back at
13 4:10. At that time I want to just get two
14 clarifications based on Mr. Morissette's questions
15 that he asked already, and then I'd like to
16 continue cross-examination at that time with Mr.
17 Edelson. So let's see everybody at 4:10. Thank
18 you.

19 (Whereupon, a recess was taken from
20 3:57 p.m. until 4:10 p.m.)

21 MR. SILVESTRI: Okay, everybody, it is
22 4:10. I just want to make sure we have our court
23 reporter back before we resume.

24 THE COURT REPORTER: Yes, I'm here.
25 Thank you.

1 MR. SILVESTRI: Super. Thank you very
2 much.

3 The two follow-up questions I had I
4 believe are directed to Ms. Moberg. When the
5 discussion continued on the cable route under
6 Ketch Brook, you had referred to an exhibit. And
7 I just want to clarify, was it Exhibit A, the
8 project layout map that you're referring to?

9 THE WITNESS (Moberg): Yes, that's
10 correct.

11 MR. SILVESTRI: And that's the one that
12 has the dotted blue lines that come across?

13 THE WITNESS (Moberg): Exactly. The
14 directional drill jacking pits are identified on
15 that figure as small orange rectangles, and there
16 are dotted blue lines, dark blue lines that
17 connect those orange rectangles.

18 MR. SILVESTRI: Super. I just wanted
19 to make sure we had the right drawing that we were
20 referring to. Thank you.

21 THE WITNESS (Moberg): You're welcome.

22 MR. SILVESTRI: The other question I
23 had for you, in the discussions about the capped
24 landfill and early on when Attorney Hoffman was
25 asking if there are any changes to the exhibits,

1 you had mentioned the limits of clearing went from
2 91 acres to 83 acres. Was any of that in the area
3 of the capped landfill?

4 THE WITNESS (Moberg): No, it's not
5 because the capped landfill is off site. It's not
6 within the Gravel Pit Solar project limits,
7 property limits. The capped landfill is to the
8 east of the project, both east and west of the CT
9 DOT railroad alignment.

10 MR. SILVESTRI: Very good. And I thank
11 you for that clarification as well.

12 Okay. I would like to continue our
13 cross-examination of the applicant with Mr.
14 Edelson, please.

15 MR. EDELSON: Okay. Everybody can hear
16 me okay?

17 MR. SILVESTRI: Absolutely.

18 MR. EDELSON: All right. Well, this is
19 quite a project. It's the largest one, the
20 largest solar one that I've been asked to review
21 with the Council. So I would like to start with a
22 compliment. I was very impressed with the website
23 that you created for the public, especially in
24 this time of COVID when people can't come to our
25 site visits. I think that was a great outreach

1 tool. And I'm curious if you've been tracking any
2 results or any analytics on the website with
3 regard to public viewing. Are people actually
4 using this? Are they coming to the website to
5 learn about the project?

6 THE WITNESS (Svedlow): Thank you, Mr.
7 Edelson. Yes, the site has been visited. I don't
8 have the analytic numbers in front of me, but back
9 when we first launched it shortly after our
10 mailing, we did have quite a bit of traffic, and
11 there has been some periodic traffic after that.
12 We did get a few comments that came through the
13 virtual open house, you know, I think less than a
14 dozen total. It has also served as a portal for
15 potential contractors to reach out to us. The
16 bulk of the activity on the site in the last month
17 or so has been potential contractors.

18 MR. EDELSON: And have the public
19 comments, putting the contractors aside for a
20 second, have any of those comments been shared
21 with the Siting Council? Very often we'll get
22 communications directly from people, but I'm
23 wondering if they thought this was an alternative
24 way to get feedback that we should be seeing. I
25 didn't notice it in the exhibits, but it could

1 have been there.

2 THE WITNESS (Svedlow): I don't believe
3 that we have shared those. I don't know if
4 another member of the team has clarification on
5 that, but I think we'd be happy to. The bulk of
6 the comments were clarifications. There was one
7 erroneous comment, erroneous in the fact that they
8 thought it was about another solar project which
9 is elsewhere in East Windsor. But we'd be happy
10 to share those, if that's appropriate to do so,
11 yes.

12 MR. EDELSON: I'll leave it to your
13 judgment as far as if they're really just thanks
14 for doing this type of comment as opposed to
15 something substantive of concern, I don't think we
16 need to see those. But I think we do want to make
17 sure the public doesn't see that as an alternative
18 route to provide feedback and we're not privy to.

19 On the flip side of that compliment,
20 maybe it's just me, but in the response to the
21 interrogatories there was a link to a Dropbox, and
22 when I clicked on it, it said files not available.
23 So it could be a problem on my side. If other
24 people were having that problem, it would be good
25 to know so we can see those exhibits. Maybe those

1 are exactly the same exhibits on the Council's web
2 site, but that wasn't clear to me the way that
3 Dropbox link was there.

4 MR. HOFFMAN: Mr. Edelson, if I may?

5 MR. SILVESTRI: Go ahead, Attorney
6 Hoffman.

7 MR. HOFFMAN: I realize I'm not
8 testifying, but since I'm the one who sent the
9 Dropbox link, there was a temporal element to that
10 Dropbox link for the files, but those files were
11 used by the Siting Council to populate your web
12 site. Everything that is on the docket was taken
13 from that Dropbox, and there's nothing in that
14 Dropbox that is not currently in the Siting
15 Council's possession.

16 MR. EDELSON: Okay. So we got the
17 information is the key.

18 MR. SILVESTRI: Attorney Hoffman, thank
19 you. I was actually going to say that we
20 populated our website based on that information,
21 but thank you for beating me to it.

22 MR. EDELSON: So I'd like to know a
23 little bit more about who's behind this project
24 and their experience. There are a lot of names,
25 and even the people on our witness list today with

1 lots of affiliations, but I think the controlling
2 entity with the experience is the DESRI. And I'm
3 curious to know how many other projects DESRI has
4 been involved with that are over 100 megawatts.

5 THE WITNESS (Svedlow): Yeah, that is
6 correct. So D.E. Shaw Renewable Investments, or
7 DESRI, is the entity that owns the project, will
8 own and operate the project. Ms. Kenney and I, as
9 well as Mr. Gravel, are full-time in-house
10 contractors for DESRI, and Mr. Clevenger is our
11 COO, is the COO of DESRI. We do have a number of
12 operating projects that are well over 120
13 megawatts in our fleet.

14 Mr. Clevenger, I don't know if you
15 would like to touch on how many and maybe talk a
16 little bit about what we're up to.

17 THE WITNESS (Clevenger): I would be
18 happy to. I want to make sure everyone can hear
19 me. Am I off mute?

20 MR. EDELSON: You're good.

21 THE WITNESS (Clevenger): Great. So
22 DESRI, D.E. Shaw Renewable Investments, owns as of
23 today, depending on how you count, approximately
24 47 operating solar and wind facilities from Hawaii
25 to Connecticut ranging in size from a small number

1 of distributed generation projects, fewer than
2 ten, as well as the balance are utility scale wind
3 and solar. The majority of those are solar
4 projects in excess of 100 megawatts AC each. I
5 would be happy to share details of all of them.
6 We have approximately 800 megawatts AC of utility
7 scale solar under construction as we speak, and
8 another almost 1,000 megawatts contracted to be
9 under construction in the next 12 to 24 months.
10 We operate those projects through partners who are
11 our O&M providers, and we have a team of both
12 asset managers who manage the operating projects
13 as well as construction managers who are involved
14 in the construction of the projects.

15 MR. EDELSON: I might have -- go ahead.

16 THE WITNESS (Svedlow): I'm sorry, Mr.
17 Edelson. If I could just add one last thing.
18 It's important to note we do own, or DESRI does
19 own two operating solar projects in Connecticut.
20 I mentioned the Tobacco Valley Solar project in
21 Simsbury earlier. We also own and operate Fusion
22 Solar which is in Sprague.

23 MR. EDELSON: Right. But I understand,
24 or if I remember correctly, both of those are in
25 the 20 to 30 megawatt range?

1 THE WITNESS (Svedlow): That's correct,
2 sir.

3 THE WITNESS (Clevenger): That is
4 correct.

5 MR. EDELSON: What threw me, and I'm
6 still not sure I fully follow, in the narrative it
7 said you had 30 projects ready, at least at the
8 time you wrote the narrative, that were online
9 with a cumulative capacity of 1.5 gigawatts. That
10 gives me about, if I did my math right, an average
11 of 50 megawatts per project. We knew of two of
12 them that were on the lower end of that range,
13 below the average of 50.

14 So maybe let me ask it this way:
15 What's the most recent 100 plus megawatt solar
16 array project that you've done, let's say, in the
17 northeast area, in other words, in our kind of
18 environment?

19 THE WITNESS (Clevenger): So I would
20 say that we are currently constructing four
21 projects in excess of 100 megawatts AC in MISO in
22 the midwest that have very similar topography,
23 trees, land permit type concerns that we have had
24 to deal with, and we are currently under
25 construction. The Tobacco Valley Solar project is

1 the most recent we've built in the northeast.

2 MR. EDELSON: So if this project is
3 approved, it will be your largest in the
4 northeast?

5 THE WITNESS (Clevenger): That is
6 correct.

7 MR. EDELSON: And the next largest
8 would be Tobacco Valley?

9 THE WITNESS (Clevenger): Tobacco
10 Valley Solar, that's correct.

11 MR. EDELSON: So switching from your
12 history to the history of the site, the land
13 ownership here was a little confusing for me. It
14 seems like there are a number of owners. We only
15 know of two, I think, in the narrative that are
16 mentioned. And I think one is called the Northern
17 Capital Region Disposal, and I think the other one
18 was Back something. Now, if you could
19 characterize those. Is Northern Regional, are
20 they a landfill company? Are they private,
21 municipal? What kind of company are we dealing
22 with here, what kind of entity?

23 THE WITNESS (Svedlow): Certainly. Let
24 me start off by saying we have options to purchase
25 or options to lease for all of these properties.

1 The majority of the project site is under an
2 option to purchase. So prior to construction we
3 will be the owner of the vast majority of the
4 acreage associated with the project. I'll take
5 you landowner by landowner, if I could, starting
6 from the north. I would direct your attention to
7 the project layout map which is in Exhibit A.

8 So starting at Apothecaries Hall Road
9 and going south, the whole area from Apothecaries
10 Hall to Ketch Brook is owned by a single entity.
11 It is a gravel mine. I think it's Apothecaries
12 Hall LLC off the top of my head or something
13 similar to that. We have a purchase option on
14 this property, so we will be taking control of
15 that entire area north of Ketch Brook and south of
16 Apothecaries Hall Road.

17 MR. EDELSON: All right.

18 THE WITNESS (Svedlow): Going south, so
19 just south of Ketch Brook and northwest of the
20 railroad, you can see on that figure there's a
21 property line that kind of cuts diagonally. I
22 don't know if that's visible. That parcel, which
23 is approximately 100 acres, is owned by Northern
24 Capital Disposal or NORCAP for short. They also
25 own the landfill that's off site in the property

1 east of the railroad tracks. We have that portion
2 of the project under an option to lease. It is
3 likely that will stay that way. So this area
4 would be leased to the project, but we would not
5 take over ownership of it.

6 And then moving south from there, the
7 next parcel is owned by Back 124. So the location
8 of this parcel is just south of the NORCAP parcel.
9 There is an east-west line, almost perfectly
10 east-west, that goes sort of from that. On the
11 west side of the project area there's an
12 indentation of the property lines, and then it
13 goes from there over to the railroad track.
14 That's approximately a 124 acre parcel that
15 belongs to Back 124. That is currently under an
16 option to lease, but we are actually negotiating
17 for that to be an option to purchase, but
18 currently it is under an option to lease.

19 Moving south from there, so this would
20 be south of that property line to Plantation Road
21 and then actually south of Plantation Road to the
22 boundary with South Windsor and Wapping Road, that
23 whole area is owned by the Markowski family. I
24 believe it's three brothers and their mother or
25 two brothers and their mother. We have an option

1 to purchase this property, and we would be taking
2 control of that prior to construction.

3 MR. EDELSON: That's very helpful. And
4 then we'll come back when I want to talk a little
5 bit more about your decommissioning plan. But if
6 I understand, you're dealing with one -- well,
7 just going back to make sure I've got this right.
8 Northern Capital Region Disposal, are they a
9 municipal entity, in other words, are they like a
10 taxing district or are they private?

11 THE WITNESS (Svedlow): It's my
12 understanding that they're a private entity.

13 MR. EDELSON: Okay.

14 THE WITNESS (Svedlow): I don't think
15 they have any municipal affiliation.

16 MR. EDELSON: Not that it really
17 matters, but just to help me understand. So when
18 they ran the landfill, it was a private activity?

19 THE WITNESS (Svedlow): I'd be
20 speculating if I answered that. I believe that is
21 the case. I just don't have any knowledge of
22 that.

23 MR. EDELSON: Okay. Let's see, in
24 terms of in the narrative you talk about the
25 conservation management plan -- and I apologize if

1 this has already been covered -- but you say it
2 was submitted to DEEP, I think, back in July.
3 What is the current status of that conservation
4 management plan, what's the next steps?

5 THE WITNESS (Svedlow): Yes. Thank
6 you. Ms. Moberg or another VHB representative,
7 would you like to address that?

8 THE WITNESS (Moberg): I can jump on
9 that one. So I think John Gravel went into this a
10 little bit about 45 minutes ago or so. But we
11 filed the conservation measures plan with NDDB
12 back in July, and I can just tell you that there
13 were quite a number of species that NDDB had
14 identified in the official species list we
15 requested from them last winter. Surveys were
16 conducted over the spring and summertime for those
17 various species. All of the results of those
18 surveys were encompassed in the conservation
19 measures plan as well as the proposed conservation
20 measures.

21 We recently had some discussions with
22 Dawn McKay of the NDDB program. Our last
23 conversation with her was, I think, October 23rd,
24 like John said. And subsequent to that call, Ms.
25 McKay shared with us her draft letter of findings,

1 and we have been reviewing it. Our team has been
2 reviewing it. And at this point we're wanting to
3 or trying to schedule a meeting with Dawn McKay to
4 discuss our proposed measures where we're able to
5 meet her requests and where in some instances we
6 may be requesting some relief. So that about sums
7 it up, I think, in terms of we're still working
8 through things with Dawn McKay of NDDB.

9 MR. EDELSON: Would it be fair to say
10 that if you took no exception to the draft, no
11 substantive exception to what's in the draft, that
12 would become part and parcel of the project,
13 what's in those conservation measures, or are
14 there more steps involved in getting to approval?

15 THE WITNESS (Moberg): No. If we
16 were -- I think we are substantially in agreement,
17 so I think the information we're planning to
18 discuss with her is, you know, how we plan to meet
19 the stipulations in her draft letter. So yes, if
20 we were to agree on all points with her at this
21 time, that she would issue a safe harbor letter
22 it's called, and that would become part of the
23 project record, and it would also allow us to file
24 our stormwater permit application. So, as you
25 might expect, we're also -- we're pretty anxious

1 to get that letter.

2 MR. EDELSON: I can understand that.
3 I'd like to turn back to SHPO and Heritage. The
4 way I read the narrative, it seemed like you had
5 basically designed the plan, then went to -- first
6 talked to SHPO about the Heritage characteristics
7 of the site, and that really all you're planning
8 on doing at this point, the only impact that it's
9 having on the project is to make sure you document
10 what was there, in other words, none of the design
11 of the project was influenced by your
12 conversations with the historic preservation
13 officer. Do I have the sequence right there, or
14 are there particular ways that the site was
15 designed to take into account historical features?

16 THE WITNESS (Svedlow): Ms. Kenney,
17 would you address that? And then maybe David
18 George could add some additional color, as needed.

19 THE WITNESS (Kenney): Sure. So when
20 we think about SHPO, there's two aspects of it.
21 There's the archeological surveys and then there's
22 the historic properties.

23 So David, do you want to comment on the
24 archeological survey?

25 THE WITNESS (George): Sure. The

1 archeological survey considers below-ground
2 resources. We go out and do a series of shovel
3 tests across the property, see if there's any
4 archeological deposits in the property, and if
5 there are, we evaluate them against the National
6 Register of Historic Places evaluation criteria.
7 We identified a few sites on this property, but
8 all of them failed to meet the eligibility
9 criteria for the National Register, so therefore
10 they don't present an impediment to development.

11 MR. EDELSON: Okay. I mean, the other
12 feature that I wasn't clear about were the barns
13 and whether or not there was any determination
14 about barns. And I couldn't get a handle in my
15 reading of how many barns existed, how many will
16 come down, how many will stay, and what was the
17 rationale for doing that. Again, I wasn't clear
18 if that came from the SHPO discussions or just was
19 based on your optimizing the design of the layout.

20 THE WITNESS (Kenney): Okay. So
21 there's 41 structures within the project area.
22 And so what we did is we worked with David, and
23 him and his team went through and they ranked of
24 all of the structures how valuable are they from a
25 historic preservation point of view. So he gave

1 them different rankings, and he actually submitted
2 a report to the SHPO with that information. So in
3 the SHPO letter dated November 6 they make
4 reference to a phase 1B survey. So that's where
5 they gave a ranking to each of the structures.

6 So then we met with the -- well, what
7 happened is, we as a project went through and
8 said, okay, which ones of these barns are in the
9 way of where we would like to build project
10 facilities, and that can be physically in the way
11 where we want to put panels, or it can be a
12 situation where the barn may result in shading
13 over the solar panels. And then we weighed our
14 layout against the rankings from David. So if a
15 barn was highly valuable from a historic
16 preservation point of view but also highly
17 valuable for us for project production, that's
18 where there is the most tension.

19 So we came up with our kind of wish
20 list of barns to remove, and we met the SHPO out
21 in the field. We did a site walk, as I mentioned,
22 on October 16. And then coming out of that we
23 came up with a list of about 22 different
24 structures that was our preliminary list of what
25 we would like to remove from the project. We sent

1 that to SHPO. We're still working through that
2 with them.

3 So I think that ultimately, you know,
4 all the barns along Plantation Road, those provide
5 visual screening and they really help to maintain
6 the historic character of that roadway. So those
7 are really high priority to keep. But then there
8 are some other structures that are further
9 interior of the project, and those are the ones
10 we're really discussing because there's just an
11 inherent safety of having a structure that's not
12 occupied on site. So that's really where we're
13 focusing. And the barns along the road, we were
14 all in agreement that those should remain because
15 they are quite valuable for a number of reasons,
16 historic properties, visual, and just the feel of
17 agricultural in that area.

18 MR. EDELSON: Thank you. That was very
19 helpful. I did remember, or I do recall one of
20 the municipal letters indicated that -- I think it
21 was the public -- felt it would be a good idea to
22 use some of the siding from the barns that do come
23 down to enhance the aesthetics of the entry to the
24 site, but I didn't hear you mention that in terms
25 of at the very beginning when we asked about

1 municipal input and how that affected the design.
2 Is that something you have decided not to do, or
3 is it something that's being considered how to set
4 up the entrance, the aesthetics of the entrance to
5 the site?

6 THE WITNESS (Kenney): I think we did
7 come up with some plans for the aesthetics of the
8 entry, and I can't recall.

9 Gordon Perkins, you might remember.
10 Are they included in the visual impact assessment,
11 or do you recall where --

12 THE WITNESS (Perkins): Yeah, Aileen,
13 we essentially designed a mitigation package as a
14 part of the visual impact assessment, and we
15 really kind of left the door open in terms of the
16 style of fencing that would be chosen. We
17 recommended something along the lines of a split
18 rail fence that would be enhanced with plantings
19 along that entrance to bring the scale down and
20 make it feel a little bit more residential in
21 character. We recommended stone pillars and then
22 provided some examples of what those individual
23 treatments might look like at each one of the
24 entrances. And I don't see any reason why some
25 portion of reclaimed wood couldn't be used in the

1 design of those elements.

2 MR. EDELSON: Well, it seems in keeping
3 with the same things Ms. Kenney was saying about
4 the barns along the road and trying to keep that
5 overall historical look to it, at least
6 referencing the history of the site. The
7 municipality also, I think, asked for you to
8 consider using black nylon instead of chain link
9 in certain areas for visibility, but as I read
10 through the narrative, I didn't see any reference
11 to that. And I might have missed it. There's a
12 lot of material there. Is that something being
13 considered?

14 THE WITNESS (Perkins): So I can start
15 on that one, and I'll let the folks, the other
16 folks comment on it. But in the mitigation plan
17 we recommended several alternative fencing styles.
18 I believe that the municipality landed on what
19 would be termed an agricultural style fence which
20 would include wood posts and a box wire rather
21 than chain link. I'm not entirely sure at this
22 point in the project design whether or not that's
23 a commitment for the project, but that was
24 certainly one of the recommendations.

25 MR. EDELSON: I assume that will be

1 clarified during the D&M if we do approve this
2 project. I think also -- well, I'm going to leave
3 that one.

4 So I'd like to turn to decommissioning,
5 and I'm not sure who the best person to answer
6 this is. First, I want to say the appendix was
7 quite helpful in the exhibit on decommissioning in
8 terms of breaking down the costs, and it was an
9 impressive number. I think it came to
10 approximately \$3 million I assume in today's
11 dollars, not what they'll be 35 years out. But
12 it's not clear to me who's responsible for making
13 the decommissioning happen. Is that GPS I, II,
14 III and IV are the entities responsible for that,
15 or does DESRI, do they have financial liability
16 for doing that? Obviously, this varies in terms
17 of its significance if you're the owner of the
18 property versus if you're leasing the property.

19 But the concern here, and I'm sure
20 you're all aware, is we currently find a lot of
21 companies that were starting up in the fracking
22 business have found with lower prices they've gone
23 out of business and they've abandoned their wells
24 much to the harm of the communities that are left.
25 So I would like to understand who's responsible

1 for making sure that the decommissioning
2 activities outlined in Exhibit A or Appendix A
3 happen?

4 THE WITNESS (Svedlow): Sure, I can
5 address that and then I may ask Mr. Clevenger to
6 jump in to add some color. So the project
7 entities themselves, Gravel Pit I through IV,
8 would be responsible for that decommissioning.
9 There could be some obligations from the parent
10 companies as well. But we have clear obligations
11 under, as you correctly stated, under our lease
12 portions of the project we have clear obligations
13 for decommissioning as part of those leases. We
14 also obviously have a commitment to decommission
15 the project as stated in our decommissioning plan.

16 The comparison to fracking is
17 interesting. I would say that the one difference,
18 one of many differences, but one primary
19 difference between us and a speculative venture is
20 that we have long-term power purchase agreements.
21 So the project has a 20 year power purchase
22 agreement with each of those entities listed in
23 the table, Question 3 in the interrogatories. The
24 point being there is value in the project up until
25 year 20 and beyond. So regardless of whether or

1 not DESRI could go bankrupt in five years or
2 something, that value is still there, and our
3 lenders, the lenders to the project, would step in
4 and control the project and own and operate it at
5 that point. And then they would be required to
6 fulfill the decommissioning plan requirements.

7 Mr. Clevenger, do you want to add
8 anything else to that? I think I covered a lot of
9 ground there, but maybe you can simplify.

10 MR. EDELSON: I think you're on mute.

11 THE WITNESS (Clevenger): Sorry about
12 that. I'll add a little bit. Most solar projects
13 we build have a decommissioning plan and a
14 decommissioning obligation such as this. They
15 live at the project level. And as Aaron
16 accurately described, the project level is where
17 the PPA assets are and the physical assets are,
18 and that's why the project level owns that
19 obligation. We have a requirement for accounting
20 purposes to do these decommissioning plans because
21 this is an obligation of the project in the
22 future, a liability which we have to have on our
23 books.

24 MR. EDELSON: Related to that, have you
25 considered or been asked to post a bond with the

1 town? I'm thinking here more for the pieces of
2 property that you plan on owning versus the lease
3 because --

4 THE WITNESS (Clevenger): So the
5 obligations of the decommissioning are governed by
6 either the leaseholder or the property owner whom
7 we're leasing from, or if the particular
8 municipality or jurisdiction requires bonding
9 under the CUP, we also do it in that case which I
10 do not believe is the case with East Windsor.
11 Aaron to correct.

12 THE WITNESS (Svedlow): Yeah, that's
13 correct. East Windsor has not asked us to do
14 anything like that at this point.

15 MR. EDELSON: Okay. Again, my concern
16 is, you know, down the road not five years from
17 now but at the point that the solar arrays have
18 degraded in terms of their performance what those
19 panels might be worth is a lot less than the cost
20 in future dollars of what decommissioning will be.
21 But I'm glad to hear that you're at least
22 recognizing it as a liability on the books of the
23 parent company in this case. But it is a concern
24 of mine, especially a project of this size, and 35
25 years is still a long period of time.

1 Regarding the panels and their life, I
2 guess I was struck when I read, you know, a 500
3 watt panel, and it made me realize less than ten
4 years ago we were pretty excited about 200, 220
5 watt panels. The way this is designed, the array,
6 if we have continued improvements in the
7 efficiency of the solar arrays, is this project
8 designed so that panels could be swapped out if
9 the economics of the new panel made it, let's say,
10 somewhat practical? I'm trying to get a sense of
11 how much of this is like the erector set when I
12 was seven years old, you could take one panel out
13 and screw in four bolts, and you'd have the new
14 panel. Is it upgradable in that way? Is it
15 designed with that in mind, realizing how we are
16 seeing kind of leaps and bounds in terms of panel
17 efficiency?

18 THE WITNESS (Clevenger): It's a very
19 good question. So there is a trend in the
20 industry in certain technologies to do what we
21 call a repower where, if all the stars align
22 appropriately, you are allowed to, I would
23 describe it as update technology to increase your
24 output or your capacity. Every project has
25 slightly different constraints when it comes to

1 repowering, and we try to build in as much
2 flexibility as possible. The two or three items
3 which are most limiting generally are the PPA and
4 the interconnect agreement. Those are the two
5 things that usually either allow us to or prevent
6 us from repowering a project.

7 On the physical side, if you've cleared
8 the PPA requirement, let's say we install this
9 project with 520 and 540 watt modules
10 hypothetically, and then in 15 years there is an
11 incentive to upgrade to some much larger wattage
12 module and the PPA would allow us to do so,
13 history says that those are economic and those
14 opportunities are pursued, but it's really hard to
15 predict that in the future for a project today.
16 Obviously, the infrastructure is designed to last
17 40 years. You know, the project life and the
18 contracts are, you know, whatever the term of this
19 PPA is, I'm embarrassed I don't remember, you
20 know, we build the project assuming it will
21 operate as is for the term of the PPA, its useful
22 life.

23 MR. EDELSON: So that raises another
24 thing I couldn't understand. Because if we take
25 the fixed arrays, I think we're saying you're

1 going to have a mix of 400 and 500 watt panels.
2 Now, it would seem to me, just looking from a site
3 design, you would have a smaller footprint if you
4 used all 500 watt panels, but clearly it's a mix.
5 I think it was almost like, you know, 400 to 500,
6 you know, or 80 percent of the panels were more
7 than 400. Can you help me understand why you
8 wouldn't just use all of the higher efficiency
9 panels throughout and lower your footprint?

10 THE WITNESS (Svedlow): Maybe I could
11 start addressing this. So I just want to clarify.
12 The range of panel sizes and the wattages that we
13 provided in the application as well as in our
14 interrogatory response is the range. And the
15 reason we do that is the panel market is very
16 liquid. And, you know, we can earmark panels
17 today, but, you know, that market may have shifted
18 so we may end up with a different panel size when
19 we get closer to construction. So it is expected,
20 it may not be this way, but it is expected that
21 the majority or the entirety of the project would
22 use one panel size throughout.

23 But to address your question about
24 could the project size then change, the answer is
25 no because we design the facility based on a

1 certain AC output. The DC output, the DC size of
2 the project can float a little bit and still meet
3 our AC goals. So if it was a smaller DC facility,
4 we would tune the inverters one way. If it was a
5 larger DC facility, we would tune the inverters a
6 different way to get that same AC output. But the
7 physical size of the facility wouldn't change.

8 Mr. Clevenger, do you want to add
9 anything to that?

10 THE WITNESS (Clevenger): I can add a
11 little bit. It is extremely unlikely, in fact,
12 almost impossible, to properly design and build a
13 facility if you were to have modules of 400 and
14 500 watts. That's just not from an electrical
15 perspective we would try not to do that ever.

16 MR. EDELSON: And I think I misstated.
17 I think the difference that 400 or 80 percent were
18 fixed panels versus the track panels, so I
19 confused that with the wattage. So you're going
20 to pick a particular panel, and they're all going
21 to be that size panel, whatever is the most cost
22 effective one to buy a year from now or whenever
23 that purchase decision is made?

24 THE WITNESS (Clevenger): Yeah. We're
25 even a touch at the mercy of the different panel

1 manufacturers. So there's a very liquid market of
2 panel manufacturers, and we'll go to the market
3 and get bids for those modules, and it's likely
4 they will bid a range of outputs. So they might
5 bid us 500s and 505s, and then we're going to get
6 a very nice balance of 500 and 505s because
7 they're not all exactly the same when they come
8 out of a plant. But we want them to be as close
9 together as possible, and we very rarely end up in
10 situations where you have more than, you know, a
11 couple watt difference between the highest and
12 lowest wattage module in our array.

13 MR. EDELSON: So now I'll switch gears
14 from the efficiency of the panel to the difference
15 between fixed and track. As someone who's not
16 steeped in the industry, it would seem to me, if
17 you can track the sun, you're basically going to
18 get a lot more output than if you're fixed. I
19 found the explanation in the narrative not helpful
20 when it basically said, what I thought I read was,
21 the track panels work best on flat property. And
22 I couldn't understand exactly why that would be
23 the case. It would seem to me, you know, as
24 someone described it before, it basically really
25 rotates in one direction, it doesn't swivel, if

1 you will, it's going up and down with the sun but
2 with a fixed orientation, if you will. And so
3 that would seem to me whether you were on a slight
4 incline versus flat wouldn't make much difference.
5 And then, you know, from the photos that you
6 shared with us, which were very, very helpful,
7 that photo log, it seemed so much of the property
8 was flat. So I'm thinking the track is going to
9 capture a lot more sun because it can rotate with
10 the height of the sun and get the best incident
11 degree and you've got plenty of flat land. So I
12 must have missed something. What did I miss?

13 THE WITNESS (Svedlow): Maybe I could
14 jump in just briefly because I think Mr. Clevenger
15 can address this in more detail than I could. One
16 of the things to notice about where we're
17 proposing the fixed versus the trackers is the
18 fixed are almost entirely correlated with the
19 gravel mine areas. It's not one to one, but for
20 the most part the gravel mine areas, either
21 current gravel mine, former gravel mine or planned
22 gravel mine are the fixed array areas. And this
23 is for a variety of reasons. The first being
24 there is more topography in those areas. The
25 tracking systems have a very tight slope

1 parameter. The slope difference between the posts
2 used to hold the tracking system is less than a
3 degree. So they don't do well with topography.

4 The other reason is the length of the
5 trackers themselves, so the individual sections
6 are fairly long. You can get half sections, but
7 you need a fairly long run to be able to fit those
8 in. So we can get more capacity out of some more
9 panels, essentially, in some of the tighter spots
10 and some of the steeper topography, and we're not
11 talking about particularly steep but steeper than
12 the very flat former tobacco fields using the
13 fixed arrays.

14 Chris is going to be able to talk about
15 that in much more detail, but I just wanted to
16 give you a general sense.

17 THE WITNESS (Clevenger): And that's a
18 very accurate assessment. On every project we
19 build we analyze areas that are outside the
20 traditional tolerance, what we call post-to-post
21 tolerance topography for those tracking arrays.
22 We prefer tracking arrays because they do harvest
23 more megawatt hours, as you correctly identified.
24 The trade-off is the amount of money spent moving
25 cubic yards of earth and the disruption to the

1 site from a groundwater topography, all of the
2 negative impacts of moving earth, large amounts of
3 earth, the trade-off is can we harvest for cost
4 benefit analysis purposes an equal or more, larger
5 number of megawatt hours by putting fixed racking
6 on areas where we don't want to move earth, if we
7 can avoid it. That's the short version.

8 MR. EDELSON: Okay. I think I'm
9 learning. I'm not sure I'm there yet, but I'm
10 learning. I wanted to talk a little about the
11 wetlands and follow up on the discussion of John
12 Morissette. And it's been a while since I've been
13 on an inland wetland commission here in
14 Connecticut, but as I recall, we would always say
15 wetlands in Connecticut are defined by the soil
16 type, not by what people see in terms of its
17 characteristics. And therefore when the Supreme
18 Court ruled in, I remember, 2004, 2005 and talked
19 about the waters of the United States, we said
20 that's interesting but it doesn't apply to
21 Connecticut because we determine whether it's a
22 wetland or not based on the soil type. And the
23 conversation before seemed not to talk about soil
24 type, it was about the functionality of the
25 particular wetland.

1 So I want to first, I guess,
2 Mr. Peterson, maybe I'm out of touch or out of
3 date here, but is that still not the case for what
4 we use in Connecticut as our metric for
5 understanding wetlands?

6 THE WITNESS (Peterson): If you're
7 saying that soils are identified in Connecticut
8 based on soil type, you're absolutely correct.
9 And in addition to wetland areas that are
10 protected by the Federal Government, these are
11 waters of the U.S., the state extends
12 jurisdictions to all soils that are poorly or very
13 poorly drained and alluvial soils regardless of
14 drainage class. So you're absolutely right, the
15 identification of a jurisdictional limit of a
16 wetland in Connecticut is dependent on soil type
17 alone.

18 MR. EDELSON: And then what I
19 understand for the upland review area, what you're
20 required to do as an applicant is say, if your
21 project is within the bounds of the upland review
22 area, you need to show that there is not an
23 alternative, a feasible alternative to that. And
24 from what I can read here for those wetlands where
25 it was either N/A or less than 150 feet, I think

1 that was your update on Wetland 16, it was 100
2 feet, the analysis would be to say there was no
3 feasible or no feasible alternative to encroaching
4 within that area. Is that a proper understanding
5 of the way wetlands regulations work here in
6 Connecticut?

7 THE WITNESS (Peterson): Yes. You
8 know, if there is a feasible and prudent
9 alternative, you know, work at least directly
10 within a wetland would be avoided. I'm not so
11 sure that I agree with you on work in the
12 regulated area. You know, that would be up to
13 each commission to make a decision as to the
14 existing conditions in that regulated area. Has
15 it already been disturbed? Is it part of an
16 operating farm? But you are correct in terms of
17 avoiding direct impact to a wetland.

18 THE WITNESS (Svedlow): And if I could
19 add one more thing to Mr. Peterson's statements.
20 Just so folks are aware, we have met with the Town
21 of East Windsor's wetland commission actually as
22 recently as last week again. They're fully aware
23 of our plans and have been since the inception of
24 the project, just so it's on the record.

25 MR. EDELSON: Well, can you go as far

1 as to say they take no exception to the decisions
2 or the design that you proposed?

3 THE WITNESS (Svedlow): I can't speak
4 for East Windsor's wetland commission, but during
5 our last meeting there were no questions, no
6 substantive questions and no concerns raised.

7 MR. EDELSON: Okay. You did identify
8 earlier that there were two wells on the site, and
9 I'm not sure what the nature of those wells are,
10 if they're going like into the stratified drift in
11 that area or if they're going down into bedrock.
12 But in terms of the concern about prior, or about
13 pesticide usage, have you considered sampling
14 water from those wells to get a baseline to show
15 what the quality of the water was so that if
16 issues come up in the future we know what the
17 water quality was in the aquifer at this time?

18 THE WITNESS (Svedlow): I'd like to ask
19 Mr. Henry to address the second part. I can just
20 say briefly though that the wells on the property
21 are associated with the former Markowski Farm,
22 primarily the dormitory, and I believe the
23 greenhouses, hoop houses that are on the property
24 as well.

25 Mr. Henry, would you address the second

1 part of Mr. Edelson's question, please?

2 THE WITNESS (Henry): Sure, I'd be
3 happy to. The wells that were identified I
4 believe are just used for irrigation purposes.
5 And if they are kept in service, my understanding
6 is that they will continue to be used for
7 irrigation purposes. I don't think they've ever
8 been or are there any plans for them to be used
9 for potable use, so a sampling of them is not
10 proposed or required at this time.

11 MR. EDELSON: I would just refer you,
12 the USGS did a study here in the area where I live
13 where wells were drilled for a different purpose,
14 but then when they were able to come back and
15 sample those wells, they were pretty surprised to
16 see how many man-made chemicals were in the water
17 from pesticide and insecticide use on both
18 agricultural land and farmlands -- I'm sorry,
19 residential and farmland. So it's just something
20 to consider. It's really your dime. But people I
21 think are beginning to realize how what's done on
22 the surface does percolate down, and if that
23 becomes an issue, you might want to have that as a
24 baseline or know what your baseline is.

25 I was a little surprised in

1 Interrogatory 52, a question came up about drip
2 lines. But before I say that, it sounds to me
3 like, unlike other projects that we've looked at,
4 your basic or very fundamental mitigation step is
5 that you want to stabilize the ground through
6 grasses and other vegetation, and you're willing
7 to almost put a year into that to make sure that
8 that vegetation to hold the soil in a good state
9 is what happens first as opposed to sometimes I
10 think we've seen people say, well, we'll build and
11 then we'll seed after the fact.

12 So what you're doing makes a lot of
13 good sense to me. It does raise a question, maybe
14 because I don't have a green thumb I feel this
15 way, but what will happen to the project schedule
16 if you find we end up with, I don't know, drought
17 conditions and you really can't get that
18 vegetative base that you're looking for
19 established within a year, would you be willing to
20 postpone construction as a result of that?

21 THE WITNESS (Svedlow): So we're glad
22 that you noticed that that is one of the things
23 that we have been doing across our fleet, where
24 practicable, which is installing or planting that
25 seed and establishing vegetation before starting

1 construction.

2 Mr. DeJoia and Mr. Clevenger can speak
3 to some of the ways that we go about doing that,
4 and possibly, if you could also touch on what we
5 do when there is maybe potentially a drought
6 situation and we need to use some alternative
7 methods to stabilize.

8 THE WITNESS (Clevenger): Happy to do
9 so. So the Tobacco Valley Solar project was the
10 first example where we actually deployed this
11 technique very successfully. We were able to get
12 very good vegetative cover, but not complete
13 vegetative cover, prior to the start of
14 construction activities. We actually engage with
15 Duraroot Environmental and Aaron specifically to
16 help us select seed species that are for temporary
17 stabilization as well as permanent cover crops
18 that will quickly germinate and provide
19 stabilization as well as help support the
20 permanent crop establishment.

21 So, for example, there are certain
22 species that do germinate very quickly and very
23 well in drought conditions but are not our
24 permanent cover crop, and because of that we use
25 mixes of those seeds if we, for instance, are

1 trying to pre-vegetate in a time of year we're
2 concerned about drought. There are other means of
3 stabilization that we employ in situations where,
4 for instance, an area doesn't vegetate early, but
5 industry practice has historically always been to
6 construct, stabilize, and then veg. We have
7 started doing it in the other direction, the other
8 order so that we, A, protect the site and the
9 watersheds better because we're stabilizing the
10 soil early, and it costs a little bit less to do
11 vegetation of the site if you do it before
12 structures are in place. I will readily admit,
13 the reason we have flexibility in that sequencing
14 is time of year and germination success because
15 there are other ways to stabilize the site if you
16 have not thoroughly vegetated the site.

17 MR. EDELSON: Can you give me just a
18 sense of when you say "other means," what would be
19 an example of other than planting seed? I just
20 feel like I have no idea.

21 THE WITNESS (Clevenger): Aaron can
22 help with the BMP techniques, but everything from
23 straw to tackifier and everything in between.

24 MR. EDELSON: Okay, that type of thing.
25 All right. Thank you. That helps.

1 Now, and maybe that answers the next
2 question, but we do find with other projects
3 concern about channelization that happens because
4 of the drip. But I think you're saying your
5 experience is that if you do that stabilization
6 you're not going to get the channelization that we
7 see coming off the drip line of the front of the
8 panel. Is that the basic reason for basically
9 saying it's not an issue? I think this goes to
10 Aaron.

11 THE WITNESS (Svedlow): Yeah, I'd like
12 to ask Mr. Kochis to address that because there
13 are some specific stormwater methods and analyses
14 we've done to evaluate that.

15 Steve, do you mind?

16 THE WITNESS (Kochis): Yeah, sure
17 thing. I was just seeing if one of you guys was
18 going to continue. But I think this question is
19 best answered in two parts. One, as we noted, is
20 that when you have the fixed tilt, speaking
21 specifically on the fixed tilt panels, which are
22 uniformly pitched to the south to face the sun,
23 where you see the channelization is in areas that
24 are directly graded to the east or the west. We
25 don't anticipate that the drip line is going to be

1 significantly eroded. So the water that falls off
2 these panels, what we've seen in the past and what
3 we expect here is that it's going to go off the
4 panels, and then it's going to go along the normal
5 contours, so whether that's to the south, the
6 north, the northeast, the southeast. So as long
7 as it's not going directly to the east or the
8 west, by uniform grading there should not be
9 channelization on these flat slopes.

10 And I think the second part of this is
11 related to the vegetation that Mr. Clevenger
12 alluded to. And once you get the vegetation under
13 the panels, the water that falls off the panels is
14 going to hit that vegetation and it's going to
15 disperse. It's going to disperse the velocity off
16 the panels, and it's going to disperse the runoff
17 into a multitude of directions rather than falling
18 straight down onto bare soil. So those two parts
19 are why we don't believe we'll have a
20 channelization problem on this project.

21 MR. EDELSON: And I think that leads to
22 your conclusion that the site, from a stormwater
23 point of view, I think I read this, is basically
24 going to look a lot like it is today, in other
25 words, it's not going to be altered because it's

1 almost dispersed as if just rain fell on the
2 ground without the structures in the way, is that
3 a proper conclusion?

4 THE WITNESS (Kochis): Yes, that's a
5 proper conclusion. And just to follow up on that
6 thought and following up on Mr. Clevenger's
7 analysis from a couple questions back regarding
8 the grading that would have to be undertaken to
9 achieve trackers along more of this site, we're
10 really not proposing to regrade much of this site.
11 So certainly the areas of the farm fields that are
12 flat, they're going to maintain the contours that
13 exist today to maintain existing drainage
14 patterns.

15 MR. EDELSON: So I think I was
16 following that, and then when I got the photo log
17 and looked through, I was surprised at how many
18 sites were identified for stormwater basins. And
19 I think it was over -- am I right there's
20 something like 50 of them that were identified?
21 Why the need for so many stormwater basins if
22 basically as a result of your mitigating
23 techniques you're basically going to be looking at
24 the land, looking as it is today as far as the
25 runoff of stormwater?

1 THE WITNESS (Kochis): Sure. I think I
2 can tackle this one. So I think the numbers
3 actually, going off memory, it's probably closer
4 to 70 stormwater areas, and they vary between
5 utilizing existing farm depressions, utilizing the
6 existing kettle holes that exist at the site,
7 proposing to put berms in the glacial valleys that
8 exist, as well as a number of standard
9 infiltration basins in various areas.

10 So when we proposed the stormwater
11 management system at the site, we were looking at
12 each individual area as it has a potential to
13 escape the limits of the project. So that's why
14 it's broken up into so many different micro areas,
15 the fact that, speaking generally, the farm fields
16 are kind of sitting up on a plateau and it drains
17 in multiple directions. There's certainly not the
18 opportunity at this site to have, for example, one
19 large basin as an end-of-line practice. So in an
20 effort to protect all the surrounding wetland
21 systems and any off site areas, it truly is
22 required to have so many stormwater basins so
23 you're making sure that each micro area is
24 protected.

25 MR. EDELSON: Okay. Mr. Silvestri, I

1 think that's all the questions I have right now.

2 MR. SILVESTRI: Thank you, Mr. Edelson.
3 Based on the time, I think we'll pause here.

4 Attorney Hoffman, if you wish, you
5 could dismiss your witness panel for the
6 proceeding with the public hearing this evening.
7 I leave that up to you. But the Council will
8 recess until 6:30 p.m., at which time we will
9 commence the public hearing comment session of
10 this remote public hearing.

11 MR. HOFFMAN: Mr. Silvestri, I guess
12 since you gave me the invitation, I'll ask the
13 question. Would it be possible to ask additional
14 questions of the witness panel after the public
15 information session and after the public has had a
16 chance to comment?

17 MR. SILVESTRI: Unfortunately not for
18 this evening. That's why I mentioned to you that
19 if you want to dismiss them, except for somebody
20 that could give a presentation, you're welcome to
21 do so.

22 MR. HOFFMAN: Very good, sir. That's
23 what we'll do then.

24 MR. SILVESTRI: All right. Thank you.
25 We'll see folks then for 6:30 for the remote

1 public hearing. Thank you.

2 MR. HOFFMAN: Thank you.

3 (Whereupon, the witnesses were excused,
4 and the above proceedings were adjourned at 5:12
5 p.m.)

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1 CERTIFICATE OF REMOTE HEARING

2
3 I hereby certify that the foregoing 133 pages
4 are a complete and accurate computer-aided
5 transcription of my original stenotype notes taken
6 of the PUBLIC HEARING HELD BY REMOTE ACCESS IN RE:
7 Docket No. 492, Gravel Pit Solar application for a
8 Certificate of Environmental Compatibility and
9 Public Need for the construction, maintenance, and
10 operation of a 120-megawatt-AC solar photovoltaic
11 electric generating facility on eight parcels
12 generally located to the east and west of the
13 Amtrak and Connecticut Rail Line, south of
14 Apothecaries Hall Road and north of the South
15 Windsor town boundary in East Windsor, Connecticut
16 and associated electrical interconnection, which
17 was held before ROBERT SILVESTRI, Presiding
18 Officer, on November 12, 2020.
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25

Lisa Warner

Lisa L. Warner, CSR 061
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I N D E X

WITNESSES: (SWORN ON PAGE 11)

AARON SVEDLOW
SUE MOBERG
CHRISTOPHER L. CLEVINGER
STEVE KOCHIS
AILEEN KENNEY
JONATHAN GRAVEL
JEFF PETERSON
GORDON PERKINS
ADAM HENRY
DAVID GEORGE
BEN COTTS
AARON DeJOIA

EXAMINERS:

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Mr. Hoffman (Direct)	12
Mr. Perrone (Cross)	28
Mr. Silvestri	56, 89
Mr. Morissette	57
Mr. Edelson	90

APPLICANT'S EXHIBITS
(Received in evidence)

EXHIBIT	DESCRIPTION	PAGE
II-B-1	Application for a Certificate of Environmental Compatibility and Public Need filed by Gravel Pit Solar, received July 31, 2020, and attachments and bulk file exhibits including: Bulk File Exhibits: a. Town of East Windsor zoning regulations b. Town of East Windsor zoning map c. Town of East Windsor plan of conservation and development d. Town of East Windsor Inland Wetlands and Watercourses regulations e. Municipal consultation documents	27

1 I n d e x (Cont'd.)

2 EXHIBIT	DESCRIPTION	PAGE
3 II-B-2	Gravel Pit Solar EMF report	27
4	submission, dated September 1, 2020.	
5 II-B-3	Gravel Pit Solar publication	27
6	notification, dated September 8, 2020.	
7 II-B-4	Gravel Pit Solar affidavit of	27
8	publication, dated September 16, 2020.	
9 II-B-5	Gravel Pit Solar Phase IB	27
10	archeological and architectural	
11	survey, dated October 8, 2020.	
12 II-B-6	Gravel Pit Solar responses to	27
13	Council interrogatories, Set One,	
14	dated October 28, 2020.	
15 II-B-7	Correspondence from State Historic	27
16	Preservation Office, dated	
17	November 6, 2020.	
18 II-B-8	Gravel Pit Solar response to	27
19	Department of Agriculture comments,	
20	dated November 6, 2020.	
21 II-B-9	Schematic of switchyard, received	27
22	by the Council on November 12, 2020.	

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**All exhibits were retained by the Council.