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Also admitted in District of
Columbia and Massachusetts

Via Hand Delivery and Electronic Mail

January 8, 2013

Linda Roberts
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: **Petition No. 1042: Somers Solar Center, LLC Petition for a Declaratory Ruling that No Certificate of Environmental Compatibility and Public Need is Required for the Construction and Operation of a 5.0 MWac Solar Photovoltaic Project located at 458 & 488 South Road, Somers, Connecticut**

Dear Ms. Roberts:

Enclosed please find an original and twenty (20) copies of the Pre-Hearing Submission of Somers Solar Center, LLC. The petitioner will seek to have Exhibits A-C of the submission admitted as full exhibits in the proceeding.

Please feel free to contact me if you have any questions or require additional information. Thank you.

Sincerely,



Joey Lee Miranda

Enclosures



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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:	:	
	:	
SOMERS SOLAR CENTER, LLC PETITION	:	PETITION NO. 1042
FOR A DECLARATORY RULING THAT NO	:	
CERTIFICATE OF ENVIRONMENTAL	:	
COMPATIBILITY AND PUBLIC NEED IS	:	
REQUIRED FOR THE CONSTRUCTION	:	
AND OPERATION OF A 5.0 MWAC SOLAR	:	
PHOTOVOLTAIC PROJECT LOCATED AT	:	
458 & 488 SOUTH ROAD, SOMERS,	:	
CONNECTICUT	:	JANUARY 8, 2013

PRE-HEARING SUBMISSION OF SOMERS SOLAR CENTER, LLC

Somers Solar Center, LLC (“SSC”) hereby provides the Connecticut Siting Council (“Council”) with the following pre-hearing information available at this time regarding the above-captioned proceeding.

A. List of Witnesses

1. Nelson S. Teague, Jr., Co-Founder and General Counsel, HelioSage, LLC
2. Craig Wetmore, Director of Acquisitions, CleanPath Ventures
3. Richard Knox, EIS Process Advisor, Kleinfelder
4. Donald R. Lussier, PE, LEED AP, Project Manager, Fuss & O’Neill
5. Craig M. Lapinski, PE, LEED AP, Associate Project Director, Fuss & O’Neill

These witnesses will testify as to all matters covered in SSC’s petition for declaratory ruling and other exhibits.

B. Exhibits to be offered

SSC intends, at this time, to offer the following Exhibits:

1. Petition of Somers Solar Center, LLC for a Declaratory Ruling that a Certificate of Environmental Compatibility and Public Need Is Not Required for the Construction and Operation of a 5.0MWac Solar Photovoltaic Project at 458 & 488 South Road in Somers, Connecticut, dated October 31, 2012.
2. Notice to Federal, State and Municipal Officials and Certification, dated November 30, 2012.
3. Responses of Somers Solar Center, LLC to Connecticut Siting Council Pre-Hearing Interrogatories, dated January 4, 2013.
4. *Curriculum Vitae* of Richard Knox (copy attached hereto as Exhibit A).
5. *Curriculum Vitae* of Donald R. Lussier (copy attached hereto as Exhibit B).
6. *Curriculum Vitae* of Craig M. Lapinski (copy attached hereto as Exhibit C).

SSC reserves the right to offer additional exhibits, testimony, witnesses and administratively noticed materials as new and pertinent information and materials come to its attention and in rebuttal to positions taken by the Council, parties or intervenors.

Respectfully submitted,
SOMERS SOLAR CENTER, LLC

By: 
Joey Lee Miranda
Robinson & Cole LLP
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Fax: (860) 275-8299
E-mail: jmiranda@rc.com
Its Attorneys

EXHIBIT A

Education

BA, Landscape Architecture
University of Arizona

United States Marine Corps
(0811 Artilleryman): 1985-1989 –
Honorable Discharge

Richard Knox

EIS Process Advisor

Mr. Knox is a senior environmental planner and manages environmental planning and NEPA/CEQA compliance efforts in Kleinfelder's Tempe, Arizona office. He has nearly 20 years of experience in environmental consulting, primarily in interdisciplinary environmental project management, technical writing, impact analysis, mitigation planning, agency coordination, Tribal consultations and public participation. The majority of his experience has been environmental siting and NEPA/CEQA compliance documentation for energy facilities, particularly transmission lines and power plants (fossil fueled and renewable) and associated facilities (coal mines, substations). Involved in the preparation of environmental documents for more than 25 large environmental projects (many of which he has managed), he understands the array of complex issues and interests associated with controversial energy projects among Native American Tribes, the general public and regulatory agencies. Mr. Knox has extensive experience working successfully with Federal, Tribal, State, and local agencies, special interest groups, technical advisory working groups, and groups of various cultural affiliations (e.g., American Indian, Hispanic). Mr. Knox project managed the 1500MW Desert Rock Energy Project EIS for Dine Power Authority and Sithe Global as well as successfully permitted the world's largest parabolic dish concentrated solar powered 709MW Imperial Valley Solar Project EIS for the BLM (ROD signed 10/10) as Project Manager. Mr. Knox has worked on projects for SRP, APS and El Paso Electric Company and has sited and permitted more than 500 miles of high-voltage transmission lines in the southwest (most involving NEPA compliance). Mr. Knox has extensive knowledge of the NHPA 106 Consultation and Programmatic Agreement Process, the ESA and Section 7 Consultation Process, and the CWA 404 (B) (1) Alternatives Analysis Process specifically related to these efforts being incorporated seamlessly into lengthy EIS decision-making processes. Mr. Knox has worked for the US Forest Service as a NEPA planner, is an expert witness, former US Marine, and a volunteer fireman.

Select Project Experience

St Johns CO2 Field EIS Permitting Plan. Kleinfelder was retained by Kinder Morgan to develop an EIS Permitting Plan that would address required permits and entitlement processes associated with a 200,000 acre CO2 well field in east-central Arizona/New Mexico.

Encana Oil and Gas Environmental Impact Statement. Kleinfelder was retained by Ecosphere Environmental Services to develop a landuse and recreation technical report in support of 250,000 acre oil and gas project in San Juan County, New Mexico. Primary responsibilities included baseline landuse and recreation inventories, impact analysis and technical report writing. The Bureau of Land Management was the lead Federal Agency developing the EIS.

Lucerne 100MW Solar Project. Kleinfelder was retained by Solar Reserve to develop a critical issues analysis report to support development of a 100MW PV solar plant in San Bernardino County, CA. Primary responsibilities included baseline ecological and cultural evaluations pursuant to CEQA.

Richard Knox, Project Experience (cont.)

Somers Solar Center. Kleinfelder was retained by CleanPath Ventures to assist in the development of 6.75MW solar project in Somers, CT. Primary responsibilities included due diligence reporting, Certificate of Environmental Compatibility and Public Need waiver, entitlement services, engineering, interconnect and geotechnical services as well as O/E services related to selection of a project EPC.

Various Merger and Acquisition Portfolios. Kleinfelder was retained by Sun Edison to evaluate over 5,000MW of PV solar projects for potential acquisition. Primary responsibilities included reviewing third party NEPA/CEQA documents for adequacy and omissions as well as comparing and ranking 100s of projects based on environmental criteria and agency direction.

NEPA Projects

Dine Power Authority/Sithe Desert Rock Energy Environmental Impact Statement, Farmington, New Mexico. Project Manager related to the development of an EIS supporting a 1500mw coal fired power plant in the Four Corners Area of New Mexico. The proposed power plant would be situated entirely on the Navajo Nation. The Bureau of Indian Affairs has assumed the lead Federal agency role with cooperating agencies including Office of Surface Mining, Army Corps of Engineers, Environmental Protection Agency, and US Fish and Wildlife Service. Professional fees - \$2,350,000.00

Dina Power Authority - Navajo Transmission Project Environmental Impact Statement Construction, Operation, and Maintenance Plan. Assistant Task Manager for the preparation of a draft construction, operation, and maintenance plan (COMP) for a 500-mile-long 500kV transmission line from northwestern New Mexico to southeastern Nevada as part of environmental reports submitted to Federal agency. It should be noted that Randy Palmer (at the time with Dames & Moore currently with EPG) was Project Manager for this effort. Mr. Knox was assigned by Mr. Palmer the task of initially drafting the COMP while at Dames & Moore. Subsequent drafters in the 1998 time-frame and forward included Dennis Quaid and Ed Williams (Dames & Moore). Professional fees - \$20,000.00

Sithe/Vidler Toguop Energy Project Environmental Impact Statement. Senior NEPA Technical Advisor for efforts associated with a BLM EIS on a proponent sponsored 1500mw pulverized coal fired power and 35 mile rail line plant in Lincoln County, Nevada. Project management transferred from URS to HDR. Professional fees - \$850,000.00

Arizona Public Service/Salt River Project, Southwest Valley 500kV Transmission Line Siting Study Environmental Impact Statement. Assistant Project Manager related to a proponent sponsored BLM EIS (after project scoping, Federal alternatives were dropped from study as a result the EIS was abandoned) for construction of a 60 mile 500kV transmission line and associated substations in Maricopa County, Arizona. Professional fees - \$1,350,000.00

Imperial Valley 709MW Solar Project EIS/EIR/AFC. Project Manager. Day to day management of all facets related to the development of all supporting material for the AFC and the NEPA, BLM EIS related to a 6,500-acre concentrated solar powered project in Imperial County, CA. Multiple agencies were involved including the California Energy Commission, BLM, USFWS, SHPO, NPS, various Native American Tribes, and USACE. Various lengthy and complex permitting processes were employed concurrently throughout the 2 year compliance program including Section 106 and Section 7 consultation. Further, and because the project would impact Waters of the US, a Standard Individual Permit was issued for the project after completing the attendant CWA 404 (B) (1) Alternatives Analysis by USACE. Scores of public and agency meetings were held as well as hearings before the California Energy Commission for which expert testimony was presented. Professional fees - \$7.5M

Calico 850MW Solar Project EIS/EIR/AFC. AFC Project Manager. Day to day management of all facets related to the development of all supporting material for the AFC and senior technical advisor for the NEPA, BLM EIS. Professional fees - \$8.5M

Morenci Water and Electric - 345kV Intertie Project Environmental Assessment. Assistant Project Manager/ Testimony Prep/Expert Witness for the siting of 11 miles of 345kV transmission line in Greenlee County, Arizona. Responsibilities included preparing scope of work, work plan, and plan of development documentation for review by the BLM. Additional responsibilities included development of an EA and CEC application for consideration by the Arizona Corporation Commission. Professional fees - \$250,000.00

EXHIBIT B



Donald R. Lussier, PE, LEED AP Project Manager

Mr. Lussier is a Professional Engineer with experience managing a broad variety of civil and environmental engineering projects. He has led or contributed to projects involving site development, brownfield remediation, building demolition, site re-development, greenway design, construction administration and oversight, solid waste management, and flood control system maintenance. He is especially adept at developing engineering solutions with consideration for life-cycle cost and constructability. Highlights of relevant project experience are provided below.

Education

BS, Civil Engineering - 1996
Rensselaer Polytechnic Institute

Licenses & Registrations

Professional Engineer CT
LEED AP

Professional Affiliations

American Society of Civil Engineers

11 years with Fuss & O'Neill
11 years Professional
Experience

Somers, CT: Project manager for a multi-disciplinary team providing environmental investigation, wetlands delineation, landscape architecture, civil engineering and environmental permitting services in support of a utility-scale renewable energy development. When completed, this project will provide approximately 5 MW of clean, renewable electrical energy.

Bridgeport, CT: Project manager for a 4.1 mile section of the Regional Housatonic Railroad Trail connecting the City of Bridgeport to the Town of Trumbull. This project will make use of multiple facility types, including signed shared roadways and bicycle lanes, as it traverses a variety of urban settings.

Berlin, CT: Project manager for the New Britain Residential Recycling Center and MSW Transfer/C&D Volume Reduction Facility. The 860 TPD Municipal solid waste transfer station and residential recycling facility will function as a regional waste management asset. The transfer station design required coordination with multiple stakeholders including the City of New Britain, Town of Berlin, Bristol Resource Recovery Facility Operating Committee, and state funding agencies. The Berlin Planning & Zoning Commission approved the site plan/special permit application within 60 days of submission.

Hartford, CT: Project manager for the closure design, closure plan preparation and closure construction for the 80-acre CRRA Hartford Landfill in Hartford, Connecticut. The design and closure construction included the use of geosynthetic barrier materials and a state-of-the-art on-cap drainage system on a steeply graded site. Closure construction is estimated at \$20 million.

Hartford, CT: Project manager for the building demolition phase of the Hartford Redevelopment Agency's "Abatement and Demolition of 1161 Main Street" (a.k.a. The Butt-Ugly Building). This project involved the hazardous materials abatement and demolition of a six-story blighted structure in Hartford, Connecticut. Challenges at this site included the extremely close proximity of an adjoining parking lot and state roadway.

Georgetown, CT: Project manager on a campus wide demolition project at the Former Gilbert & Bennett Manufacturing Facility. This project involved the demolition of 26 structures within the historic mill complex using multiple funding sources. Prior to demolition, hazardous materials were removed and the buildings were thoroughly decontaminated. The project was complicated by the presence of sensitive off-site receptors (e.g., school, day-care center, etc.).

Waterbury, CT: Project engineer on a multi-disciplinary team performing a routing and feasibility study for the seven mile Naugatuck River Greenway. This project required close coordination between the planning, engineering, survey and GIS staff. In order to build support for the project within the community, a series of public workshops and informational sessions were held.

Hartford, CT: Served as Project engineer for the certification of the Hartford Flood Control System. Time was of the essence because certification of the system was required prior to the FEMA-imposed deadline or the FEMA 500 and 100-year flood lines would be re-drawn placing one-third of the city in a high risk flood zone. Worked as part of a multi-disciplinary team to address geotechnical, structural, mechanical and operational aspects of the certification process. The package was submitted prior to the deadline and the City maintained FEMA accreditation of their flood control system.

Windsor, CT: Project engineer performing a variety of general solid waste consulting services at the Windsor-Bloomfield Landfill. Specific tasks performed over the course of this multi-year contract included preparing the closure and sequential filling plans, analyzing capacity utilization, developing optimized landform plans, evaluating methane control alternatives, preparing a detailed design for a geomembrane methane control and providing construction administration services to the municipality.

Berlin, CT: Project engineer during the City's negotiation of a Consent Order with the CTDEP for the New Britain Landfill. The project involved the preparation of an economic analysis based on various landform scenarios. The negotiations allowed the City to keep its landfill in operation for an additional four years. Additional tasks performed under this contract included preparing a Sequential Filling Plan and Closure Plan for submission to CTDEP, as well as providing design and construction administration services for the first phase of landfill closure.

EXHIBIT C



Craig M. Lapinski, PE, LEED AP

Associate | Project Director

Mr. Lapinski is an Associate/Project Director with Fuss & O'Neill who has been involved with the design, management, and construction of various civil and environmental engineering projects. He has directed, managed or led efforts for a wide variety of land development, brownfields, solid waste, site remediation, flood control and water resources projects. His diverse background makes him well suited to work on complicated, multi-disciplinary projects. His relevant experience is highlighted below.

Education

BS, Civil Engineering - 1993
Union College
ME, Environmental Engineering -
1999
Rensselaer Polytechnic Institute

Licenses & Registrations

Professional Engineer CT
LEED AP
Professional Engineer NY

Professional Affiliations

American Society of Civil Engineers

13 years with Fuss & O'Neill
20 years Professional
Experience

Harbor Point, Stamford, CT: Led a multi-consultant team in the preparation of a USACE Section 408 permit submittal for the proposed \$3.5 billion Harbor Point development project. This permit was required because construction was proposed immediately adjacent to the Stamford Hurricane Barrier.

Former USRAC Facility, Science Park, New Haven, CT: Managed the restoration of a 230,000 square foot former weapons manufacturing plant in New Haven, Connecticut. The 15-acre Brownfields site was challenged by over 100 years of manufacturing including over 45 demolished buildings and a variety of contamination issues. Managed the coordination and compilation of local and State permits for zoning, remediation, building decontamination and soil management.

WFSB Television Facility, Rocky Hill, CT: Served as Project Manager for site design and permitting of this new 70,000 square foot television facility building. Site design was complicated by the steep terrain and presence of bedrock at shallow depths. State Traffic Commission approvals were obtained in less than two months. Site plan approval was obtained from the local Planning and Zoning Commission after the first meeting.

Steel Point, Bridgeport, CT: Managed the preparation of a Preliminary Engineering Report and Permit Analysis Document for this 50-acre Brownfields property. Work was performed directly for the Connecticut Brownfields Redevelopment Authority (CBRA) and the Connecticut Department of Economic and Community Development (DECD). The report evaluated site grading, traffic, geotechnical, utility, coastal resources and regulatory constraints that could affect redevelopment. Also, prepared detailed cost estimates and performed a remedial alternatives analysis during the preparation of the remedial action plan for the site.

Private Biodiesel Facility, Suffield, CT: Managed the site design and preparation of local permit applications for a proposed 50 million gallon per year biodiesel production facility. This project presented unique challenges such as grading in close proximity to the six vernal pools that surrounded the site, designing a state-of-the-art stormwater treatment train that included a bio-swale, and presenting at contentious public hearings.

Private Rail Haul C&D Volume Reduction Facility, Watertown, CT:

Directed the design, local permitting and CT DEEP permitting of this 2,500 ton per day proposed facility. Both the local Conservation Commission and Planning & Zoning Commissions granted approval within a span of three months.

New Britain Residential Recycling Center and MSW Transfer/C&D Volume Reduction Facility, Berlin, CT:

Served as Project Director for the development of this 860 TPD Municipal solid waste transfer station and residential recycling facility. The transfer station design required coordination with multiple stakeholders including the City of New Britain, Town of Berlin, Bristol Resource Recovery Facility Operating Committee, who will use the transfer station for the disposal of by-pass waste from its resource recovery facility, and state funding agencies. The Berlin Planning & Zoning Commission approved the site plan/special permit application.

Wetlands Assessment, Private Farm, Sterling, CT:

Directed a wetlands assessment for a 350-acre private farm that was under investigation by the USEPA. As part of the assessment, Fuss & O'Neill performed field visits and reviewed historical mapping to quantify and characterize the changes to wetlands and watercourses that occurred from 1970 to the present. Designed and received approval from the Town Wetlands Commission, CTDEP and USEPA to perform site stabilization activities.

CRRA Hartford Landfill, CT: Directed the closure design, closure plan preparation and closure construction for this 80-acre landfill in Hartford, Connecticut. The design and closure construction included the use of geosynthetic barrier materials and a state-of-the-art on-cap drainage system on a steeply graded site. Closure construction is estimated at \$20 million.

Hartford Flood Control System Certification, CT:

Served as Program Manager for the certification of the Hartford Flood Control System. Time was of the essence because certification of the system was required prior to the FEMA-imposed deadline or the FEMA 500 and 100-year flood lines would be re-drawn placing one-third of the city in a high risk flood zone. Worked with the USACE and FEMA to develop final certification package deliverables. The package was submitted prior to the deadline and the City maintained FEMA accreditation of their flood control system.

Former Gilbert & Bennett Manufacturing Facility, Georgetown, CT:

Served as the Fuss & O'Neill Project Manager on a multi-organizational team that prepared the Master Plan of Development for this 50-acre Brownfields redevelopment project. This site is being redeveloped as a mixed use, pedestrian friendly, traditional neighborhood using the "New Urbanism" philosophy. When completed, this \$300 million redevelopment will create a new town center for Georgetown. Managed the preparation of a 100+ lot subdivision application to the Town of Redding. Also, directed the site design and local permit application preparation for a new road and affordable housing development at the former Gilbert & Bennett site.