

**North Stonington Solar Center,
LLC Request for Approval of
Revisions to Project Approved in
Petition No. 1345 and Approval
of the Development and
Management Plan**

Date:
June 16, 2020

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EXHIBITS

Exhibit A – Detailed Site Plan Layout

Exhibit B – DEEP Notice of Permit Authorization

Exhibit C – Stormwater Pollution Control Plan (Phase I)

Exhibit D - Stormwater Pollution Control Plan (Phase II)

Exhibit E – Phase IB Archaeological Field Analysis

Exhibit F – Environmental Assessment

Exhibit G – Development and Management Plan

1. INTRODUCTION

On May 23, 2018, Pawcatuck Solar Center LLC (“Original Petitioner”) submitted a petition (“May 2018 Petition”) pursuant to Sections 16-50k(a) of the Connecticut General Statutes (“CGS”) and Section 16-50j-38 *et seq.* of the Regulations of Connecticut State Agencies (“RCSA”), to the Connecticut Siting Council (the “Siting Council”).

The Petition requested a declaratory ruling that a Certificate of Environmental Compatibility and Public Need (“Certificate”) was not required for the construction, operation and maintenance of a 15.0 megawatt (“MW”) alternating current (“AC”) ground-mounted solar photovoltaic (“PV”) electric generating facility to be constructed on four abutting parcels comprising approximately 353 acres in the Town of North Stonington, Connecticut (the “Project”).

Subsequent to a public field review of the Project, required public notice period, and Petitioner’s response to three sets of Siting Council interrogatories, the Siting Council issued its Declaratory Ruling on October 26, 2018 (the “2018 Declaratory Ruling”) approving the Project. The 2018 Declaratory Ruling concluded that the Project met the Connecticut Department of Energy and Environmental Protection’s (“DEEP”) air and water quality standards and would not “have a substantial adverse environmental effect...and would not require a Certificate of Environmental Compatibility and Public Need.” The Siting Council’s approval was subject to certain conditions, including, the preparation of a Development and Management (D&M) Plan.¹ The Siting Council’s 2018 Declaratory Ruling also approved a specific site layout, referred to as the “Alternate 2” site layout.

¹ See Council Decision and Staff Report, dated October 26, 2018.

On May 1, 2019, Lincoln Clean Energy, LLC (“LCE”), acquired the Original Petitioner, assumed control of the Project, and changed the Project name to North Stonington Solar Center, LLC (the current “Petitioner”). The Siting Council acknowledged transfer of Project ownership to LCE and the name change on June 12, 2019. On March 3, 2020, Enerparc Inc. (“Owner”) notified the Siting Council that it had acquired the Project from LCE. The Siting Council acknowledged transfer of the ownership of the Project to Owner on March 4, 2020.

On March 17, 2020, CS Energy, on behalf of Petitioner, submitted a Partial D&M Plan to the Siting Council requesting to begin site clearing activities in order to finish prior to a May 1, 2020 deadline mandated by DEEP’s Bureau of Natural Resources based on the presence of the red bat, a special concern species listed on Connecticut’s Natural Diversity Database. DEEP required that no tree-clearing activities take place between May 1, 2020 and September 1, 2020.

On April 14, 2020, DEEP issued Notice of Permit Authorization under Connecticut’s General Permit for the Discharge of Stormwater and Dewatering Wastewater from Construction Activities for site clearing activities. See Exhibit B. From April 14 to April 30, 2020, Petitioner commenced and completed clearing activities at the site despite not having the Siting Council’s approval of the Partial D&M Plan. Given the limited window between receiving the Notice of Permit Authorization and the DEEP-mandated clearing deadline of May 1, 2020, Petitioner felt immense pressure to commence development of the Project in order not to jeopardize the red bat. Petitioner acknowledges its error, apologizes, and pledges that it will strictly comply with the Siting Council, DEEP, and other regulatory requirements going forward.

On April 24, 2020, the Siting Council denied the Partial D&M Plan on the basis that the included site plan was inconsistent with the Alternate 2 site plan approved under the 2018 Declaratory Ruling, that the Partial D&M Plan was submitted without a DEEP-approved Stormwater Pollution Control Plan, and, therefore, the Partial D&M Plan was not in compliance with the 2018 Declaratory Ruling. Accordingly, the Siting Council recommended Petitioner request that the Siting Council amend its 2018 Declaratory Ruling.

Based on the Siting Council's recommendation, and pursuant to CGS Section 16-50k(a) and RCSA Section 16-50j-38 *et seq.*, Petitioner requests that the Siting Council approve the changes described herein to the Project approved in the 2018 Declaratory Ruling that concluded that a Certificate is not required for the construction, operation and maintenance of the Project. Unless stated to the contrary herein, Petitioner incorporates by reference into its Petition the May 2018 Petition, and all related materials, including, but not limited to, all Siting Council interrogatories and responses of the Original Petitioner.

As described more fully below, the construction, operation and maintenance of the proposed Project satisfies the criteria of CGS § 16-50k(a) and will not have a substantial adverse environmental effect.

As a participant and awardee of the CT DEEP Tri-State RFP for Long-term Contracts under Public Act 15-107 1(b) and CGS § 16-50j, this Project is exempt from the requirements of CGS § 16-50k(a)(iii) as established through Public Act No. 17-218.

2. PETITIONER

Petitioner, North Stonington Solar Center, LLC, is a Connecticut limited liability company with an office at 301 N. Lake Avenue, Suite 202, Pasadena, CA 91101.² Petitioner was organized in 2019, as a successor-in-interest to Pawcatuck Solar Center, LLC, for the purposes of developing, constructing and operating the Project in North Stonington, Connecticut.

Petitioner retained CS Energy, LLC (“CS Energy”), a company based in Edison, NJ, as the general contractor leading development of the Project.³ CS Energy is a leading integrated energy firm that designs and builds optimized projects in the solar, storage and emerging energy industries, with over 820 MWs of solar projects completed or underway in sixteen (16) states across the United States. CS Energy has been especially active in New England with over 80 solar projects totaling 340 MW throughout Massachusetts, Connecticut, and Rhode Island, including one Connecticut rooftop project at the Becton, Dickinson & Company facility in North Canaan, Connecticut.⁴

Correspondence and/or communications regarding this petition should be addressed to:

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² Note that Owner is in the process of amending the registration address of Petitioner to 1901 Harrison Street, Suite 1630, Oakland CA 94612. This change is expected to be completed in the next few weeks.

³ Formerly known as Conti Solar, LLC.

⁴ See Siting Council Petition No. 1234.

A copy of all such correspondence or communications should also be sent to the
Petitioner's attorneys:

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3. PROPOSED PROJECT

3.1 PROJECT HISTORY

There are no revisions or updates to Section 3.1 of the May 2018 Petition.

3.2 SITE SELECTION

There are no revisions or updates to Section 3.2 of the May 2018 Petition .

3.3 PROPERTY DESCRIPTION

There are no revisions or updates to Section 3.2 of the May 2018 Petition,
except as set forth below.

As noted in the May 2018 Petition, the "Project Area," representing the limits of disturbance, will encompass approximately 144 acres to accommodate the Solar Facility, temporary construction staging areas, and access and peripheral tree-free zones (to mitigate shading effects). See Exhibit A. This required clearing of existing forest and selective tree removal. The total amount of clearing has been reduced from approximately 98 acres to approximately 84 acres, with 28 of those acres restricted from grubbing activities to maintain the woody understory and 7 of those acres subject to selective tree removal. Upon completion, the fence-enclosed Solar Facility has been

reduced from approximately 118 acres to approximately 110 acres. As stated above, all tree clearing activities were completed on April 30, 2020. See Section 1 and Section 6.1 below. Grubbing activities have not commenced.

3.4 PROJECT DESCRIPTION

There are no revisions or updates to Section 3.4 of the May 2018 Petition, except as set forth below.

- The number of PV modules to be installed at the Project has been reduced from 61,000 PV modules to 45,927 PV modules. The selected PV module has been changed from Jinko 395-400 watt modules to Longi Bifacial 435 watt modules. The dimensions of the original Jinko modules was 23.3 kg, 80”x40” and the dimensions of the replacement Longi modules are 435 kw and 29.5 kg, 84”x41.1.” Because the Longi Bifacial modules have increased wattage, the overall amount of modules decreased and allowed for the tracker row spacing to be modified.
- The interconnection wiring has been modified from underground installation to an overhead pole system to avoid wetland impacts associated with installation of underground conduits. The current plans are to install about twenty-one (21) customer poles and three (3) utility poles. There will be an effort to lower the number of customer poles by increasing the spacing between poles and ensuring that conductor distance above grade is also maintained. The poles will be 45’ Class 2 wooden poles.

- The amount of perimeter maintenance/access roads has been significantly reduced from approximately 26,000 linear feet to approximately 7,350 linear feet. The updated access road is optimized to provide access to every equipment pad and avoids going around the arrays where it is not necessary. Turn-arounds were added as needed at the ends of roads for constructability and long-term maintenance access and activities.⁵
- The Project is expected to produce in excess of 30,343,000 Kilowatt-Hours (“kWh”) of energy in the first year of operation. This is slightly reduced from the May 2018 Petition which estimated approximately 31,500,000 kWh of energy in the first year of operation. The reduction is primarily based on the modified layout that was chosen to reduce the amount of required tree clearing.
- The total estimated cost of the Project is approximately \$25,500,000, which includes:
 - Materials and equipment costs (approximate): \$9,000,000
 - Project construction labor costs (approximate): \$14,000,000
 - Other business costs and overhead (approximate): \$2,500,000
- Commencement of construction and installation of the Project is expected to begin July 15, 2020 but is totally dependent upon first obtaining applicable Siting Council and DEEP approvals. Final site stabilization, testing, and commissioning is expected be completed by December 2020.

⁵ Original Petition indicated installation of approximately 26,000 LF of access roads. However, original site drawings show roughly 15,000 LF.

3.5 INTERCONNECTION

There are no revisions or updates to Section 3.5 of the May 2018 Petition, except as set forth below.

- As noted in Section 3.4, the primary change from the original petition is the modification of interconnection wiring from underground installation to an overhead pole system to avoid wetland impacts associated with installation of underground conduits.
- Petitioner also updated the inverter from the May 2018 Petition and submitted to Eversource a revised one-line that is currently under review. Petitioner expects Eversource's impact study in the coming weeks.

4. PROJECT BENEFITS

There are no revisions or updates to Section 4 of the May 2018 Petition.

5. LOCAL INPUT & NOTICE

There are no revisions or updates to Section 3.4 of the May 2018 Petition, except as set forth below.

- Petitioner in the process of recruiting its construction labor workforce from the North Stonington area and the surrounding region. Petitioner expects to employ a daily average workforce exceeding fifty (50) workers. Petitioner also expects to use local vendors to the extent possible to assist with transport of construction material and other aspects of the project. The main electrical subcontractor is also located in North Stonington.
- Petitioner submitted copies of the D&M Plan to the Town of North Stonington.

6. POTENTIAL ENVIRONMENTAL EFFECTS

The Original Petitioner and its consultants, REMA, APT and its subcontractors, conducted a comprehensive environmental and cultural resources assessment of the Project in November 2016 – March 2018. Although many of the Potential Environmental Effects remain unchanged from the May 2018 Petition, Petitioner has revised certain sections as set forth below.

6.1 NATURAL ENVIRONMENT AND ECOLOGICAL BALANCE

There are no revisions or updates to Section 6.1 of the May 2018 Petition, except as set forth below.

- Based on an updated shading study, the revised layout results in an average annual shading loss of approximately 6.85%, which the Petitioner has determined will allow for the achievement of target energy output numbers under the Power Purchase Agreement (“PPA”) with Eversource and United Illuminating. In order to achieve this percentage, the Petitioner cleared approximately 84 acres of trees, resulting in the clearing of approximately 14,784 trees with a six inch (6”) or greater diameter at breast height. See Exhibit A. As noted above, clearing activities took place from April 14-30, 2020. DEEP approved the General Stormwater Permit registration for the clearing activities. See Exhibit B.
- A DEEP-approved Stormwater Pollution Control Plan (“SWPCP”) associated with Phase I of the Project is attached as Exhibit C. A

SWPCP for Phase II of the Project has been submitted for DEEP approval. See Exhibit D.

6.2 PUBLIC HEALTH AND SAFETY

There are no revisions or updates to Section 6.2 of the May 2018 Petition.

6.3 AIR QUALITY

There are no revisions or updates to Section 6.3 of the May 2018 Petition.

6.4 SCENIC VALUES

There are no revisions or updates to Section 6.4 of the May 2018 Petition.

6.5 HISTORIC VALUES

There are no revisions or updates to Section 6.5 of the May 2018 Petition, except as set forth below.

As noted in the May 2018 Petition, the Original Petitioner was working with Heritage Consultants (“Heritage”) to conduct a Phase IB Archaeological Field Analysis (“Phase IB”) to evaluate sensitive areas at the Project. Heritage completed the Phase IB in August 2019 and it is attached hereto as Exhibit E. Heritage’s Phase IB resulted in the excavation of 622 shovel tests across the 20 areas identified in the prior Phase IA study as having moderate and high sensitivity to contain archeological deposits.

The Phase IB identified three locations that were considered potentially significant under the evaluation criteria set forth at 36 CFR 60.4(a) through (d). Accordingly, Heritage recommended Phase II National Register testing and evaluation of these three areas. All three areas were found to lack research potential based on a number of factors and Heritage concluded that none of the areas were eligible for listing on the National Register of Historic Places. Heritage did not recommend any further action.

6.6 WILDLIFE & HABITAT

There are no revisions or updates to Section 6.6 of the May 2018 Petition, except as set forth below.

- APT Environmental Assessment - May 2019 - See Exhibit F.

6.7 WATER QUALITY

There are no revisions or updates to Section 6.7 of the May 2018 Petition.

6.7.1 Wetlands

There are no revisions or updates to Section 6.7.1 of the May 2018 Petition, except as set forth below.

The May 2018 Petition contemplated a proposed crossing of Wetland 1 to access the far western solar module and the electrical transmission interconnection facility. As noted above, Petitioner has modified the design of interconnection to use overhead poles, as opposed to underground conduits, to avoid direct wetland impacts. See Exhibit A.

6.7.2 Storm Water Management

There are no revisions or updates to Section 6.7.2 of the May 2018 Petition, except as set forth below.

- Petitioner has revised the Grading and Drainage Concept Plan and associated Stormwater Engineering Concept Report for the Project that details the method and plan for stormwater management at the Site. See Exhibit C and Exhibit D.
- The Petitioner registered under DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities for the clearing activities and received a Notice of Permit

Authorization from DEEP on April 14, 2020. As noted above, clearing activities at the site resulting in the clearing of approximately 84 acres of forested areas from April 14 to April 30, 2020.

- The Petitioner has submitted its registration application to DEEP on May 28, 2020 for coverage under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities for the construction and installation of the Project. The registration is currently under review by DEEP.

7. DEVELOPMENT AND MANAGEMENT PLAN

As part of this filing, the Petitioner submits its revised Development and Management Plan for the Council's review and approval. Please see Attachment G. In preparing this revised Development and Management Plan, the Petitioner carefully considered and addressed the previous comments in the Council staff's report, dated April 23, 2020.

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8. CONCLUSION

As stated in the Original Petition, “[t]he Project will provide numerous and significant benefits to the Town, the State of Connecticut and its citizens, and will place the Town at the forefront of green energy development while producing substantial environmental benefits with minimal environmental impact.” This remains true today despite the slight modification to the arrangement of the solar arrays or the revised limits of necessary site clearing.

Pursuant to CGS §16-50k(a), the Council shall approve by declaratory ruling the construction or location of a grid-side distributed resources project or facility with a capacity of not more than 65 MW, as long as such project meets DEEP air and water quality standards and will not have a substantial adverse environmental effect. As leave the gun demonstrated within this petition, the Project meets these criteria.

The Project is a “grid-side distributed resources” facility, as defined in CGS §16- 1(a)(37), because the Project involves “the generation of electricity from a unit with a rating of not more than sixty-five megawatts that is connected to the transmission or distribution system...” and, as demonstrated herein, the Project will meet DEEP air and water quality standards. Further, the Project:

- Will not produce air emissions during operations (PM10, PM2.5, VOCs, GHG or Ozone);
- Will not utilize water to produce electricity or be in conflict with any Federal, State, or Local requirements related to water quality and quantity;
- Will not produce significant noise;
- Was designed to avoid wetland and biological impacts to the extent possible, and improve certain biological features of the Property;

- Will not have substantial adverse visual, land use, storm water, recreational, cultural, human or biological impacts; and
- Will further the State's energy policy by developing and utilizing renewable energy resources.

For all the foregoing reasons, the Petitioner requests that the Siting Council approve the revisions to the Project Approved in Petition No. 1345 as those revisions are described herein, confirm that a Certificate is not required for the construction, operation and maintenance of the Project, and approve the Development and Management Plan.

Respectfully submitted,
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