

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

Greenskies Clean Energy, LLC petition for a declaratory ruling for the proposed construction, maintenance and operation of a 3.0-megawatt-AC solar photovoltaic electric generating facility on two parcels at the Elmridge Golf Course located to the east and west of North Anguilla Road at the intersection with Elmridge Road, Stonington, Connecticut, and associated electrical interconnection.

Petition No. 1410

December 10, 2020

POST-HEARING BRIEF

Proponents for Responsible Emplacement of Stonington Solar, Inc. (“PRESS”) submits this post-hearing brief pursuant to the Council’s announced deadlines.

I. Introduction

Greenskies Clean Energy, LLC (“Greenskies”) has asked the Council to grant its petition for declaratory ruling to construct a 3MW ground-mounted solar project on two portions of land that is currently in operation as a golf course. Throughout this proceeding, Greenskies has insisted that its proposal will not significantly change the site, or the area around the site. Greenskies essentially asks the Council to imagine that the ground-mounted solar panels and their associated posts and racks will simply be dropped into place, with no discernible disturbance to the existing turf, soil, and topography. The truth, of course, is that this project, like all of the solar projects that have come before the Council, involves the introduction of new, impervious structures to what is currently a gently sloping, vegetated site. Greenskies is proposing a dramatic change to the use and function of two parcels of land that abut residential neighborhoods and wetlands that feed into Anguilla Brook. Because the project, both as proposed in June 2020 and as revised during this proceeding, will not meet water quality standards and will have a substantial adverse environmental impact, the Council must deny it.

II. The Petition Should Be Denied

PRESS urges the Council to deny the petition. As the Council is well aware, it may only approve petitions for declaratory ruling for the construction or operation of a distributed resources project or facility with a capacity of not more than 65 MW if:

- (i) such project meets air and water quality standards of the Department of Energy and Environmental Protection,
- (ii) the council does not find a substantial adverse environmental effect, and
- (iii) for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, excluding any such facility that was selected by the Department of Energy and Environmental Protection in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the Department of Agriculture represents, in writing, to the council that such project will not materially affect the status of such land as prime farmland or the Department of Energy and Environmental Protection represents, in writing, to the council that such project will not materially affect the status of such land as core forest.

Conn. Gen. Stat. § 16-50k. This petition must be denied because it does not comply with DEEP water quality standards and it will have substantial adverse environmental effects.¹ PRESS's position is supported by the following evidence and arguments.

A. The Council Cannot Abdicate its Statutory Responsibility with Respect to Water Quality Compliance

On this point, PRESS is aware that the Council has attempted in recent years, and even during this hearing, to disavow its jurisdiction over stormwater issues by pointing out repeatedly that DEEP is the agency charged with issuing stormwater permits for projects such as that proposed by Greenskies. (*See, e.g.*, 10/20/10 Hearing Tr. at 67:1-7 (Mr. Morrisette claiming that "property values are not part of the consideration under the statute and neither is stormwater, as was stated in the Waterford matter"); Petition 1347A, Opinion at 8 (repeatedly

¹ Both DEEP and the Department of Agriculture submitted letters to the Council stating that the project will not materially affect the status of core forest of prime farmland.

disclaiming the Council's express statutory responsibility to determine compliance with DEEP water quality standards by pointing to DEEP's concurrent jurisdiction).) In recent decisions on solar petition, the Council has included language like this:

Although the Town and DEEP have both expressed concerns regarding stormwater management and degradation of off-site water quality and watersheds in their respective comments to the Council, all aspects of stormwater management at the site is under the exclusive jurisdiction of DEEP's Water Permitting and Enforcement Division.

(See Petition 1347, 10/26/2018 Staff Report, at 11.) DEEP may be the agency charged with issuing stormwater permits, but the Council is charged with authorizing the construction of facilities like the one proposed here, and the legislature directed that it may only do so where the Council has determined that it will meet DEEP water quality standards.

General Statutes § 15-50k could not be clearer: The Council must make its own determination that a petition meets DEEP water quality standards in order to issue a declaratory ruling. It cannot abdicate that statutory responsibility by punting the issue whole cloth to DEEP. That DEEP has obligations under its own statutes and regulations with respect to stormwater permits does not somehow preclude the Council from reviewing stormwater issues – the Council is *statutorily required to do so* in order to issue a declaratory ruling. DEEP simply does *not* have exclusive jurisdiction over stormwater issues; the Council also has authority over the same, and has an express statutory obligation to review these matters *before* approving any petition. If the Council no longer wishes to have that responsibility, it should lobby the legislature to change its enabling legislation. Until that time, the Council must do its job, and that job includes consideration of stormwater issues because those are irrefutably (based on the Council's general practices and express opinions over many, many years) a large part of the DEEP water quality standards.

B. Greenskies' Proposed Project Does Not Comply with DEEP Water Quality Standards

PRESS has submitted extensive evidence showing that Greenskies' site plans, stormwater report and soil and erosion control measures do not comply with DEEP water quality standards, as set out in the 2004 Manual, the 2002 Guidelines and the General Permit, including proposed Appendix I. As the Council has heard, the most significant issue is that Greenskies claims compliance with the conditions of section (1)(a) through (e) of Appendix I such that it would not be required to consider the panels impervious for purposes of calculating the WQV – yet PRESS has demonstrated that that claim simply is not true. Greenskies also has claimed compliance with the Manual and the Guidelines, and PRESS has demonstrated that those claims are false and, in several cases, based on unfounded and illogical assumptions that Greenskies' engineer admitted were not subject to any hydrologic analysis.

The Council should take note of the fact that Greenskies claimed in June 2020, when it filed its petition, that it complied with DEEP water quality standards, including Appendix I. Greenskies claimed the same after it revised its site plans (and therefore its stormwater plans) in early October 2020. Greenskies initially included no level spreaders in its site plans and claimed it did not need to do so to maintain the flow path of water off the site. In Greenskies' revised plans, it made dramatic modifications, including two separate trenches running under each panel's drip edges for the entirety of the east site and a section of the west site. Remarkably, Greenskies claimed that it did so only as an "enhancement" of the project, not to comply with the express requirements of Appendix I. (*See* 10/20/20 Hearing Tr. at 79:4-81:5.) The idea that a developer would add such an expensive and intrusive measure to its site plans when not directed to by any authority and when it believed its plans to be in compliance with the applicable standards is simply not credible. Greenskies revised its plans to take that measure because its original plans

did not comply with applicable water quality standards. There is no other reason for it to dig two 8x6 inch trenches underneath every panel row on the east site – which likely would need to be hand dug given that they cannot be properly placed until the panel arrays are in place – and to purchase and truck in the crushed stone to fill those trenches. Those proposed revisions by themselves are a concession that the original plans did not comply with applicable standards.

PRESS presented evidence that the petition, even as revised, failed to comply with applicable water quality standards and civil engineering standards of care for design work. The most significant failures of Greenskies' proposal are addressed below, but PRESS urges the Council to carefully review Mr. Trinkaus' prefiled testimony, his supplemental prefiled testimony, and the review by another professional engineer that accompanied the letter from the Stonington Planning and Zoning Commission, dated July 2, 2020.

1. Greenskies' plans do not ensure that runoff remains as sheet flow

Condition 1(b) of Appendix I requires that "[o]verall site conditions and solar panel configuration within the array are designed and constructed such that the runoff remains as sheet flow across the entire site." (PRESS Admin Notice Item #5.) As PRESS's expert and professional engineer Steve Trinkaus testified, that condition has not been met. (*See* 9/24/2020 S. Trinkaus Prefiled Testimony, at 3-4, 6, 8-9.) Mr. Trinkaus testified that for the majority of both sites, the land slopes to the west, meaning that most of the runoff will flow to the west of each site. (*Id.* at 9.) Greenskies' engineer agreed with that assessment, but insisted that the runoff flow would not become concentrated. Under cross examination, however, he conceded that the stone-filled trenches added to the site plans, which he believes will act as level spreaders, will follow the topography of the site, so that the trenches will be sloped to the west as well. (10/20/2020 Hearing Tr. at 77:15-78:1.) He also admitted that Greenskies did not run any calculations or do any hydrologic analysis in designing the level spreader trenches and did

not check the trenches' peak flow capacity or likely infiltration rate. (See 10/20/2020 Hearing Tr. at 78:2-79:13 (Gagnon testifying that "we don't think that's [pooling at western end of the trenches or significant amounts of flow] going to happen realistically" despite no calculations or analysis done), 83:17-84:2 (Gagnon admitting no flow capacity analysis done to size the trenches, just pulled from Appendix I "recommended detail"), 131:13-132:6 (Gagnon testifying that the dimensions of the trenches were not based on any guidance).)

As Mr. Trinkaus explained, this means that the trenches will *not* act as level spreaders, as any flow of water within them will not overflow a concrete curb or lip on the south end of the trenches. Instead, any flow of water in those trenches will run to the west and eventually pool out of each trench, causing concentrated flow. (11/10/2020 Hearing Tr. at 134:23-135:1 ("[A]gain, it follows the contour which goes from east to the west. So what you basically have is a stone filled trench that is running downhill.")) Given that Mr. Gagnon admitted that nearly half of the trenches added to the east site do not discharges into the path of the sole stormwater basin on that site, this problem is especially significant. (See 10/20/2020 Hearing Tr. at 74:16-76:7, 108:1-109:21.)

2. Greenskies' design is based on the panels being pervious, but it did not meet the conditions permitting it to make that assumption

Condition (1)(c) of Appendix I contains four subparts that must be satisfied before a developer may consider the panels impervious:

- for slopes less than or equal to 5%, appropriate vegetation shall be established as indicated in Figure 1, below; and
- for slopes greater than 5%, but less than 10%, practices including, but not limited to, level spreaders, terraces or berms as described in Figure 2, below, shall be used to ensure long term sheet flow conditions; and
- for sites with slopes greater than or equal to 8%, erosion control blankets or stump grindings or erosion control mix mulch or hydroseed with tackifier shall be applied within 72 hours of final grading, or when a rainfall of 0.5 inches or greater is predicted within 24 hours, whichever time period is less; and

- for slopes equal to or greater than 10% and less than 15%, the Plan includes specific engineered stormwater control measures with detailed specifications that are designed to provide permanent stabilization and non-erosive conveyance of runoff to the property line of the site or downgradient from the site.

(PRESS Admin Notice Item #5.) Greenskies' June 2020 submission did not comply with the last three of those four subparts. As noted above, Greenskies significantly revised its plans to include level spreaders in an attempt to comply with the fourth subpart, but its efforts fell flat. The trenches Greenskies calls level spreaders will not provide non-erosive conveyance of runoff; instead, they will channelize runoff where it used to leave the site as overland flow. That change will promote erosion:

[The trenches] are not level spreaders. They are stone filled trenches that are going to have a slope from the eastern end to the western end because they are following the natural contour which goes in that direction. So they will not provide level flow, and they will wind up discharging concentrated flow at each and every western end.

(See 11/10/2020 Hearing Tr. at 136:14-21 (Trinkaus testifying).) Nor did the original plans meet the third subpart, as they did not include erosion control blankets, stump grinding, hydroseed or tackifier in areas with 8% or more slopes. (9/24/2020 S. Trinkaus Prefiled Testimony, at 10.)

Again, Greenskies attempted to comply with that requirement by revising its plans and including, among other things, large erosion control blankets on both sites, but that attempt simply makes clear the deficiencies in its design work. (See, e.g., 10/20/2020 Hearing Tr. at 81:24-82:19.)

The final subpart is perhaps even more troubling, as Greenskies simply failed to include some stormwater control measures (such as pretreatment forebays)², others are devoid of details (e.g., no construction details), and Greenskies claims to be proposing two large dry

² Mr. Gagnon claimed at the hearing that DEEP standards only required pretreatment for "commercial" sites or projects, not solar projects – but could not point to any part of the 2004 Manual supporting his claim. When pressed, he admitted that he decided DEEP must be making that distinction for solar projects because it apparently did not require Greenskies to install pretreatment practices on the Taugwonk project. (See 10/20/2020 Hearing Tr. at 82:24-84:12.)

stormwater basins but has not designed the basins to actually be dry or to confirm with any type of basin described in the 2004 Manual. (11/10/2020 Hearing Tr. at 140:16-24.) With respect to the basin design, Greenskies' engineer admitted that he found water present in test pits but did not do further geotechnical investigation to ensure that the vertical separation called for by the 2004 Manual was met. (10/20/2020 Hearing Tr. at 104:7-105:21; *see also* 9/24/2020 S. Trinkaus Prefiled Testimony, at 8 (test holes dug not deep enough to know that vertical separation requirements of 2004 Manual were met).)

Mr. Gagnon's testimony also supported Mr. Trinkaus' conclusion that the basin design, which includes a weir wall with a V notch only six inches from the dead-level basin bottom that discharges from that singular outlet onto upland slopes, which will result in concentrated flow. (11/10/2020 Hearing Tr. at 133:16-24 ("That flow is relatively narrow, probably less than 6 foot. As it moves down slope, particularly on the east side, which is the larger basin and the larger portion of the array, that goes onto a moderate slope. As the water moves down that moderate slope in a relatively narrow path, it will become more concentrated. That's simply what runoff will do. It finds the path of least resistance."); *see also* 9/24/2020 S. Trinkaus Prefiled Testimony, at 8.) The riprap outside the outlet proposed by Greenskies will not remedy those problems, as it is not designed as a level spreader and therefore will not actually dissipate the water being discharged. (11/10/2020 Hearing Tr. at 133:6-134:7.)

Ultimately:

The stormwater basins are not designed in compliance with any of the standards found in the 2004 Connecticut DEP Stormwater Quality Manual. Whether they're wet or dry basins, there are specific standards and components, and the basins don't meet any of those standards. If you're not providing those components, you also are not addressing water quality.

(11/10/2020 Hearing Tr. at 140:16-24.) The temporary riprap berm that Greenskies proposed in its revised site plan will not remedy those problems, as it is temporary and the stone that will be

used is so large that it will have voids that will be filled by the turbid water being discharged through the single outlet. (11/10/2020 Hearing Tr. 138:22-139:20 (Trinkaus testifying that the design of the temporary riprap berm “will allow the turbid water to run off and leave the site” because “suspended solids are not a co[a]rse material, they’re suspended in water”).)

Per Appendix I, because the above conditions have not been met, the area of the solar panels themselves must be considered impervious for the calculation of the Water Quality Volume (WQV), which Greenskies did not do. Mr. Trinkaus ran actual calculations of runoff volume and peak rate for the five post-development watershed areas that contain solar panels with the assumption that the panels are impervious. (PRESS Exhibit IV.B.6.) His results demonstrate that in those watersheds (PR-1A, PR-08) which include large portions of the solar array, both the increases in runoff volume are substantial when the panels are considered impervious (30% and 43%, respectively). The peak rate changes are significant for every watershed area, ranging from 28% up to 59%. These calculations show that the basins, as currently designed, will discharge higher volumes and rates of runoff than stated in the petition. (PRESS Exhibit IV.B.6.)

3. Greenskies’ site design rests on many other unfounded assumptions

Again and again during this proceeding, Mr. Gagnon admitted that the site plans, even as revised, were based on assumptions unsupported by calculations or other supporting analysis. For example, as discussed above, the level spreaders/trenches added under the entirety of the east site array were seemingly arbitrarily sized based on the “detail” in Appendix I, not based on any attempt to analyze the peak water flow in the trenches.

Similarly, Mr. Gagnon assumed that sites will not contribute any significant amount of sediment to runoff because of the amount of turf that will be undisturbed. (10/20/2020 Hearing Tr. 68:5-69:1.) Under cross examination, he admitted that 80% of the west site will be disturbed

and that any graded areas will be compacted to 95% and then covered by perhaps six inches of topsoil. (*See, e.g.,* 10/20/2020 Hearing Tr. 63:12-25, 68:5-69:25.) And although he claimed that the golf course turf likely had “deep” roots such that the turf not being regraded should remain well-established even if compacted by machinery driving over it, he admitted that he had no experience to support that claim. (10/20/2020 Hearing Tr. 70:23-71:24.) (Mr. Trinkaus, who has a forestry background that included soil classes, reviewed literature on the topic, and is a golfer, testified that the opposite is true – that golf course turf is deliberately cut short and that means short roots and turf that will not be particularly resilient once disturbed. (11/20/2020 Hearing Tr. at 137:2-138:9.))

Mr. Gagnon also assumed following the earthwork on the site, which would involve grading large amounts of each site to 95% compaction – making it effectively impermeable – the site would be stabilized enough to drive in in as little as two weeks, and would be fully stabilized in just three months following completion of construction. (*See* 10/20/2020 Hearing Tr. at 64:1-67:15, 99:3-100:9.) He assumed that both sites would take the same short time to stabilize – despite the fact that the west site will be 80% disturbed and the east site only 30% disturbed. (*See* 10/20/2020 Hearing Tr. at 100:10-101:20.) He admitted that if he was wrong about these assumptions – if one or both of the sites took longer to stabilize following completion of construction, the basins (being used then as temporary sediment traps) could be smaller than needed. (10/20/2020 Hearing Tr. 100:20-101:13.) Mr. Trinkaus testified that the level of compaction means:

Basically no infiltration will occur. That underlying layer is going to be pretty impermeable to water. So it's going to run down to the west, and at the end of all of these little stone trenches it is just going to flow out the top of the trenches onto the vegetated surface and be concentrated flow because it is only 8 inches wide at that point.

(11/10/2020 Hearing Tr. at 135:6-13.) That compaction would occur in any area being graded, so inside and around the basins, in specific areas of the sites where slopes are steepest, and inside the level spreaders/trenches. Mr. Trinkaus testified:

Because the plans call for the subsoil under the 6 inches of topsoil to be compacted to what is termed 95 percent proctor density, ... [a]s we get more intense, shorter duration rainfall events where we can get 2 inches of rain in three hours, as an example, from a thunderstorm in the summertime, you're going to see a lot of flow at the western end of the stone trenches going onto vegetated slopes that start, again, moderate, but in some cases the natural slope is steeper, that flow concentrate has moved down slope. It will erode the upland soil. As it gets flatter down hill, you will see resultant sedimentation from the eroded material.

(11/10/2020 Hearing Tr. at 134:14-136:3.)

Greenskies' plans, even as revised, therefore still do not comply with other water quality standards, including provisions of the 2004 Manual and the 2002 Guidelines. PRESS understands that the Council is accustomed to "filling up details," which may include final site plans, stormwater reports and erosion control measures, in the separate D&M Plan – but the deficiencies of this project are so significant that the Council simply cannot make the requisite finding of compliance with water quality standards or no substantial adverse environmental impact. General Statutes § 16-50k does not permit the Council to defer compliance with those standards to the D&M Plan process; compliance must be demonstrated now. In short, Greenskies has not met its burden with respect to water quality standards, and the items that are lacking are not such that they can be remedied in the "details" of a D&M Plan.

C. The Council Cannot Make a Finding of No Substantial Adverse Environmental Effect

Greenskies and its consultants have quite simply failed to provide information that would permit the Council to determine that the project will not have significant adverse environmental effects. As set out above, Greenskies' plans do not comply with DEEP water quality standards or standards of professional engineering. That means the project would cause

untreated runoff in amount greater than the site generates at this point in time to leave the site (in channelized streams), bringing with it sediment and pollutants. (See 11/10/2020 Hearing Tr. at 127:16-128:24 (Trinkaus testifying about the risks of non-point source pollutants, commonly metals and nutrient loads).) That runoff will go to the west – straight into the wetlands that feed into Anguilla Brook and the protected Anguilla-Grande Reserve.

PRESS reminds the Council that Appendix I to the General Permit was proposed specifically because of the construction issues that occurred at Antares and other sites. (PRESS Admin Notice Item #s 14-16 (cease and desist and consent orders issued to other solar projects).) Appendix I is part of a draft proposal from DEEP that is intended to replace the current General Permit, which expires on December 30, 2020, and there is an ongoing rule-making proceeding at DEEP, in which several parties to and individuals involved in this petition are engaged. (See PRESS Admin Notice Item #s 4-5.) The debates surrounding proper stormwater controls and the permitting process for large ground-mounted solar projects reflect not only the novelty of these projects in the last few years, but the high risk that improper controls present.

PRESS also does not believe that Greenskies has adequately addressed the project site's location in a groundwater protection overlay district ("GPOD"). Under local zoning, any development proposed for the GPOD is subject to a higher level of scrutiny. (See 10/20/2020 Hearing Tr. at 119:9-120:4; PRESS Admin Notice #18-20.) Uses that may generally be permitted in a zone may nevertheless be prohibited if the proposed site is within the GPOD. (10/20/2020 Hearing Tr. at 119:9-23; PRESS Admin Notice #18.) Prohibitions that apply in the GPOD include the use of "hazardous materials in quantities that are greater than a household use." (PRESS Admin Notice #18.) There is *no* "household use" of lead, which was the only hazardous material found in toxicity leaching tests conducted on the solar panels Greenskies is most likely to use for this project. (See 10/20/2020 Hearing Tr. at 116:2-117:25; Greenskies exhibits II.B.3 at

Ex. B; II.B.11(e). As lead has serious environmental *and* public health implications, and is especially harmful in drinking water, this is a subject that the Council must have full disclosure on before rendering its decision. The information provided by Greenskies is less than complete, as was evident by the number of questions about lead and other hazardous substances throughout this proceeding.

The Council simply cannot make a finding of no substantial adverse environmental effect given the evidence before it.

III. If the Council Nevertheless Decides to Approve the Project, Any Approval Must Be Subject to Conditions

If the Council approves the Project, its approval should be conditioned on Greenskies redesigning its stormwater system to take into account the deficiencies noted herein and taking measures that will allow for certain monitoring, as well as more traditional Council conditions.

PRESS respectfully asks the Council to condition any approval on the following:

- Greenskies should be required to update its site plans to reflect its adherence to *all* of the conditions of section (1)(a) through (e) of Appendix I, or in absence of that, re-run its stormwater calculations for WQV, post-development runoff peak rate and volumes for all analyzed rainfall events with the assumption that the panels are impervious, and a drop of one Hydrologic Soil Group for all areas under the proposed panels and redesign as warranted by that new calculation.
- The stormwater basins must be designed to fully comply with the 2004 Manual, and Greenskies must revise its plans to provide for pretreatment of stormwater.
- Greenskies should be required to provide channel protection volume in the basins, and all panels must be considered impervious for post-development hydrologic analysis, so that the channel protection volume is accurate.
- All basin outlets must discharge to an existing stable outlet point, not to an upland soil area in areas where concentrated flow does not currently occur. The basin outlets should discharge to actual, effective level spreaders designed in compliance with the 2004 Manual.
- The stone trenches placed under the solar panels shall be redesigned to function as intended, based on hydrologic analysis, and all trenches must direct the runoff to a

properly sized and designed stormwater basin which provides the Channel Protection Volume as well as peak rate attenuation for all analyzed rainfall events.

- During construction, a third-party sedimentation and erosion control specialist shall be hired by the Town of Stonington, with the cost paid by Greenskies, to provide weekly inspection reports to the Council, PRESS and the Town of Stonington (the “Town”), and to promptly correct any problems noted. That inspector shall also visit the site weekly during construction before, during, and immediately after any predicted significant rainfall events, and shall report to the Council, the parties, and the Town immediately any release of sediment or other failure of the stormwater controls on site.
- Greenskies should be required to submit a decommissioning plan that is based on actual estimates from companies that recycle solar panels and related components, estimates from companies of the cost of disposal for construction debris, and estimates from companies that provide heavy equipment such as will be necessary to remove the solar arrays and related equipment from the site and to restore it. Research done by Mr. Trinkaus revealed that Greenskies likely underestimated the expense of decommissioning by \$1 million or more. The plan must ensure that the Town will not be responsible for decommissioning, whether by requiring Greenskies to provide a bond or by other measures that provide some financial security.
- Greenskies should be required to conduct post-construction noise monitoring at the property lines of each site to ensure compliance with the Town’s and DEEP’s noise regulations. (*See* 10/20/2020 Hearing Tr. at 133:16-134:2.) PRESS also asks that the Council require Greenskies to conduct pre-construction noise monitoring to establish current ambient noise levels at the property lines both during the day and at night.
- Greenskies must be required to provide to the parties and the Town detailed testing results with respect to the solar panel module it selects for use in the project. For any hazardous material detected in those results, Greenskies must be required to engage with the parties and the Town about the risk to public health and to the aquifer, and to employ any mitigation measures reasonably requested by the parties or the Town.
- Greenskies should be required to further mitigate the visual impact of its project on abutting property owners. Additional mitigation plans should be coordinated with abutting neighbors so they have meaningful input on the vegetative and other screening put in place. Any photo simulations created in connection with such visual mitigation efforts should be created from photos taken by a full frame 35mm camera with 50mm lens, as that camera/lens combination produces an image equivalent closely resembling what the human eye sees.

IV. Conclusion

For the reasons set forth above, and as detailed in the evidence PRESS submitted to the Council during this proceeding, the Council should deny the petition.

**PROPONENTS FOR RESPONSIBLE
EMPLACEMENT OF STONINGTON SOLAR, INC.**

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CERTIFICATION

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