

**Lee D. Hoffman**  
90 State House Square  
Hartford, CT 06103-3702  
p 860 424 4315  
f 860 424 4370  
lhoffman@pullcom.com  
www.pullcom.com

February 16, 2021

**ELECTRONIC MAIL & U.S. MAIL**

Melanie Bachman  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

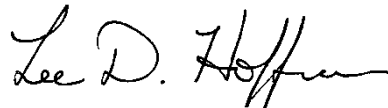
**Re: PETITION NO. 1422 - Greenskies Clean Energy, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4.99-megawatt AC solar photovoltaic electric generating facility to be located at Mulnite Farms, Inc. off Barber Hill Road west of the intersection with Rockville Road, East Windsor, Connecticut and associated electrical interconnection.**

Dear Ms. Bachman:

I am writing on behalf of my client, Greenskies Clean Energy, LLC (“Greenskies”), in connection with the above-referenced Petition. With this Letter, I am enclosing Greenskies’ witness list and relevant hearing information for the February 23, 2021 Public Hearing. I am also enclosing responses to the Siting Council’s February 4, 2021 Interrogatories that were transmitted to Greenskies.

Should you have any questions concerning this submittal, please contact me at your convenience. I certify that copies of this submittal have been made to all parties on the Petition’s Service List as of this date.

Sincerely,



Lee D. Hoffman

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**Greenskies Clean Energy, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4.99-megawatt AC solar photovoltaic electric generating facility to be located at Mulnite Farms, Inc. off Barber Hill Road west of the intersection with Rockville Road, East Windsor, Connecticut and associated electrical interconnection.**

**Petition No. 1422**

**February 16, 2021**

**GREENSKIES CLEAN ENERGY, LLC'S RESPONSES TO THE FEBRUARY 4, 2021 SET OF INTERROGATORIES DIRECTED TO GREENSKIES CLEAN ENERGY, LLC FROM THE CONNECTICUT SITING COUNCIL**

Petitioner Greenskies Clean Energy, LLC ("GCE" or "Petitioner") hereby submits the following responses to the Interrogatories that were directed to Greenskies by the Connecticut Siting Council on February 4, 2021.

- 61. Of the letters sent to abutting property owners, how many certified mail receipts were received? If any receipts were not returned, which owners did not receive their notice? Were any additional attempts made to contact those property owners?**

As indicated in July 22, 2020 correspondence to the Siting Council, each abutter was notified twice regarding this petition. For a copy of that correspondence, please see: [https://portal.ct.gov/-/media/CSC/3\\_Petitions-medialibrary/Petitions\\_MediaLibrary/MediaPetitionNos1421-1430/PE1422/PetitionerSubmissions/PE1422-20200803-ResponsetoIncompleteLtr.pdf](https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1421-1430/PE1422/PetitionerSubmissions/PE1422-20200803-ResponsetoIncompleteLtr.pdf)

As is described in greater detail in that July 22<sup>nd</sup> correspondence, initial abutter letters were sent out to surrounding property owners on June 6, 2020 by certified mail. All of the receipts were returned to Greenskies indicating that all abutter letters had been received. Those letters incorrectly stated that the project was to be located on the *east* side of Barber Hill Road, when in reality the project is to be located on the *west* side of Barber Hill Road.

On June 16, 2020 another letter went out to all abutters, correcting the error and stating that the site is actually on the west side of Barber Hill Road. Of the second set, mail receipts were not received by one owner of two of the properties; 11 Miller Road and 23 Miller Road. The owners for both properties are Scott, Paula, and Marilyn Stolinas and their mailing address is 11 Miller Road. Greenskies received receipts from all other abutters. Because all abutters had been notified about the project, no further attempts were made to contact the abutters.

62. **Since the Petitioner's December 11, 2020 letter with attached Public Outreach Record, did the Petitioner receive any additional abutter or neighbor comments on the proposal? If so, provide a summary of the comments received.**

Greenskies has received no additional public comment since December 11, 2020 from any neighbor, abutter or other member of the public.

63. **Do the proposed solar modules pass the Toxicity Characteristic Leaching Procedure (TCLP) test? Please submit the specifications that indicate the proposed solar modules are not characterized as hazardous waste. If the project is approved, would the Petitioner commit to the installation of solar modules that pass the TCLP test?**

As an initial matter, Greenskies would point out that it has not made a final selection regarding which panels will be used for this project, so it does not know whether the panels it will select will pass the TCLP test or not. Before it discusses the TCLP test in greater detail below, Greenskies notes that regardless of what modules it selects, Greenskies will commit to using modules that do not contain lead, arsenic, selenium, cadmium, PFAS, or other hazardous materials or heavy metals except for the lead used in solder.

More importantly, however, it should be pointed out that the TCLP test was developed by the US Environmental Protection Agency as a method to determine whether a particular substance qualifies as a solid waste or a hazardous waste under the Resource Conservation and Recover Act (RCRA), 42 USC § 6901 *et. seq.* The standards for the TCLP test, otherwise known as Method 1311, can be found at the following link: <https://www.epa.gov/sites/production/files/2015-12/documents/1311.pdf>

The TCLP test is performed on solid materials, put simply, by crushing the products into dust, running them through a solution and determining whether hazardous compounds and analytes will leach from the materials. *See* 40 CFR section 261.24. This is done to simulate the effects of how the material may react if it is disposed of in a landfill. As such, there are a host of items that are being used every day that may fail the TCLP test, including but not limited to: household batteries, wheelchairs, generators, television sets, cameras, watches, computers, medical monitors, thermostats, calculators, electric monitors, hand tools and (until recently) dental fillings, among other things. Many of these same items are contained in traditional power plants and other facilities throughout the state of Connecticut. They are not regulated as they are used, only when they are disposed of. These items may all be used safely over the course of their useful life.

It is only when the items have reached the end of their useful life and need to be disposed of that the TCLP test comes into play. There are several reasons for this. First, the TCLP test is only for wastes, not for useful items that are still being utilized. Secondly, it is only for those items that, due to their chemical composition, may become hazardous waste when they are disposed of. Depending of the chemical composition of the item in question, the TCLP test may not even be warranted, as can be seen from an excerpt of the TCLP test itself, contained on the next page. In that excerpt, one can see that if individual chemicals are present in a waste at sufficiently low levels, "the TCLP need not be run."

METHOD 1311

TOXICITY CHARACTERISTIC LEACHING PROCEDURE

1.0 SCOPE AND APPLICATION

1.1 The TCLP is designed to determine the mobility of both organic and inorganic analytes present in liquid, solid, and multiphase wastes.

1.2 If a total analysis of the waste demonstrates that individual analytes are not present in the waste, or that they are present but at such low concentrations that the appropriate regulatory levels could not possibly be exceeded, the TCLP need not be run.

Perhaps most importantly, the TCLP test is not an appropriate metric for the installation of solar panels. It is only a test for waste to be disposed under the requirements of RCRA. RCRA, however, provides for exemptions to what constitutes a waste, including recycled materials. Scrap metal, for example, is not subject to RCRA hazardous waste regulation when recycled. *See* 40 CFR section 261.6(a)(3)(ii). Similarly, shredded circuit boards that are recycled (provided that they are stored in containers sufficient to prevent a release to the environment prior to recovery and are free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries) are excluded from the definition of hazardous waste under RCRA. *See* 40 CFR section 261.4(a)(14).

Given the project's plan to recycle the materials in the project, most of which will consist of scrap metal, it is unlikely that the solar modules will constitute a waste, much less a hazardous waste. As such, the TCLP test would not properly be applied to these panels. Moreover, not all module manufacturers conduct such testing.

Thus, Greenskies believes that the TCLP test on modules is not appropriate for the consideration of whether the panels to be installed. Greenskies will only need to accomplish such testing if it wishes to landfill the panels and the panels contain a sufficient amount of hazardous constituents such that the TCLP test would be appropriate under section 1.2 of Method 1311. To require solar modules to meet TCLP testing requirements while not requiring the same of cell towers, transmission and distribution lines, fuel cells and fossil-fueled power plants would unfairly penalize solar facilities.

- 64. Referencing the response to Council interrogatory 31, on September 29, 2020, the Petitioner filed with the Federal Aviation Administration (FAA) for a review of potential hazard to air navigation. Please provide a copy of such FAA determination if available.**

Please see the November 4, 2020 FAA determination of no hazard to air navigation attached to these responses as Exhibit A.

- 65. Please respond to the January 20, 2021 comments from the Connecticut Airport Authority.**

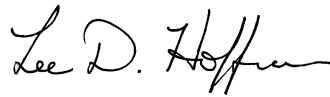
Greenskies has addressed these comments by completing a glare analysis for the project. A copy of the February 10, 2021 glare analysis, performed using Forge Solar is attached to these responses as Exhibit B. Forge Solar is the industry standard glare analysis tool

and was developed in connection with the Sandia National Lab. The glare analysis confirmed there will be zero glare caused by the solar project to pilots on approach or take off from Bradley international airport as well as the control tower.

Greenskies coordinated its glare study with Robert Bruno and Kevin Dillon of the Connecticut Airport Authority (CAA) on requirements of the study, review, and approval. Mr. Bruno is the director of Planning, Engineering and Environmental for the CAA and Mr. Dillon is the Executive Director of the CAA. The CAA agreed with the study's finding of no impact.

Respectfully submitted,

**Greenskies Clean Energy, LLC**



By: \_\_\_\_\_

Lee D. Hoffman

[lhoffman@pullcom.com](mailto:lhoffman@pullcom.com)

Amanda G. Gurren

[agurren@pullcom.com](mailto:agurren@pullcom.com)

Pullman & Comley, LLC

90 State House Square

Hartford, CT 06103-3702

Ph. (860) 424-4315

Ph. (860) 424-4338

Fax (860) 424-4370

Its Attorneys