

# STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL Ten Franklin Square, New Britain, CT 06051 Phone: (860) 827-2935 Fax: (860) 827-2950 E-Mail: <u>siting.council@ct.gov</u> Web Site: portal.ct.gov/csc

> Hearing Program Petition No. 1443A Tuesday, February 15, 2022 2:00 p.m./6:30 p.m. Zoom Remote Public Hearing

- I. Opening by Council
  - A. Statement read by Presiding Officer.
  - B. Administrative Notice taken by Council

# **FEDERAL**

- NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, EMF, Electric and Magnetic Fields Associated with the Use of Electric Power, June 2002, available at http://www.niehs.nih.gov/health/materials/electric\_and\_magnetic\_fields\_associated\_with\_t he\_use\_of\_electric\_power\_questions\_and\_answers\_english\_508.pdf
- 2. NATIONAL RESEARCH COUNCIL, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences, 1999, *available at* <u>http://books.nap.edu/openbook.php?isbn=0309065437</u>
- 3. Presidential Proclamation No. 8460, Critical Infrastructure Month, 74 Fed. Reg. 234, December 8, 2009, *available at* <u>http://www.presidency.ucsb.edu/ws/index.php?pid=86954</u>
- Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, available at <u>http://www.archives.gov/federal-register/executive-orders/2013.html</u>
- 5. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *National Register of Historic Places*, last updated January 7, 2022, *available at* <u>https://www.nps.gov/subjects/nationalregister/index.htm</u>
- 6. UNITED STATES DEPARTMENT OF ENERGY, FEDERAL ENERGY REGULATORY COMMISSION AND THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION, *Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 – Causes and Recommendations, available at* <u>http://ferc.gov/legal/staff-reports/05-31-2012-ne-</u> <u>outage-report.pdf</u>
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- 8. UNITED STATES ENERGY INFORMATION ADMINISTRATION, *Annual Energy Outlook 2021*, *February 3, 2021, available at <u>https://www.eia.gov/outlooks/aeo/</u>*

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- 11. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Office of Solid Waste and Emergency Response, *Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues, available at* <u>https://www.epa.gov/sites/production/files/2015-04/documents/handbook\_siting\_repowering\_projects.pdf</u>
- 12. UNITED STATES DEPARTMENT OF AGRICULTURE, Solar Energy Use in U.S. Agriculture Overview and Policy Issues, April 2011, available at <u>https://www.usda.gov/oce/reports/energy/Web\_SolarEnergy\_combined.pdf</u>
- 13. UNITED STATES DEPARTMENT OF AGRICULTURE, Soil Survey Manual, Handbook No. 18, March 2017, *available at* <u>https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142p2\_054262</u>
- 14. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC 70/7460-1L*, December 4, 2015, as amended, *available at* <u>https://www.faa.gov/documentLibrary/media/Advisory\_Circular/AC\_70\_7460-1L\_.pdf</u>
- 15. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Evaluation of Glare as a Hazard for General Aviation Pilots on Final Approach*, July 2015 available at <a href="https://www.faa.gov/data\_research/research/med\_humanfacs/oamtechreports/2010s/media/201512.pdf">https://www.faa.gov/data\_research/research/med\_humanfacs/oamtechreports/2010s/media/201512.pdf</a>
- 16. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Technical Guidance for Evaluating Selected Solar Technologies on Airports*, November 2010 (updated April 2018), available at <u>https://www.faa.gov/airports/environmental/policy\_guidance/media/FAA-Airport-Solar-Guide-2018.pdf</u>
- 17. UNITED STATES FEDERAL AVIATION ADMINISTRATION, Interim Policy, FAA Review of Solar Energy System Projects on Federally Obligated Airports (inclusive of Solar Glare Hazard Analysis Tool), October 23, 2013, available at https://www.federalregister.gov/documents/2013/10/23/2013-24729/interim-policy-faareview-of-solar-energy-system-projects-on-federally-obligated-airports
- Allco Fin. Ltd. v. Klee, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by Allco Fin. Ltd. v. Klee, 805 F.3d 89 (2<sup>nd</sup> Cir. 2015)

## REGIONAL

- ISO-NEW ENGLAND, INC., Operational Fuel-Security Analysis, January 17, 2018, available at <u>https://www.iso-ne.com/static-assets/documents/2018/01/20180117\_operational\_fuel-security\_analysis.pdf</u>
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- 23. ISO-NEW ENGLAND, INC., 2020 Regional Electricity Outlook, February 2020, available at <a href="https://www.iso-ne.com/about/regional-electricity-outlook/">https://www.iso-ne.com/about/regional-electricity-outlook/</a>
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- 25. ISO-NEW ENGLAND, INC., *The Challenge of Ensuring System Reliability Through Wholesale Markets as the Resource Mix Evolves*, November 17, 2016, *available at* <u>http://www.necbc.org/content/pages/Gordon-van-Welie\_ISO-</u> <u>NE\_NECBC\_11\_17\_2016\_final.pptx.pdf</u>
- 26. ISO-NEW ENGLAND, INC., *ISO New England's Internal Market Monitor 2020 Annual Markets Report*, June 9, 2021, *available at https://www.iso-ne.com/static-assets/documents/2021/06/2020-annual-markets-report.pdf*
- 27. ISO-NEW ENGLAND, INC., *State of the Grid: 2020, Presentation by Gordon van Welie*, March 6, 2020, *available at* <u>https://www.iso-ne.com/static-assets/documents/2020/03/20200306\_stateofthegrid2020.pdf</u>
- 28. ISO-NEW ENGLAND, INC., *Final 2021 PV Forecast*, April 29, 2021, *available at* <u>https://www.iso-ne.com/static-assets/documents/2021/04/final\_2021\_pv\_forecast.pdf</u>
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- 33. ISO-NEW ENGLAND, INC., FCA Results Filing in FERC Docket No. ER21-\_\_\_\_-000, February 26, 2021, available at <u>https://www.iso-ne.com/static-assets/documents/2021/02/fca 15 results filing 2-26-2021.pdf</u>

# **STATE**

# **Connecticut Siting Council**

- 34. PETITION NO. 1443 SR North Stonington, 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 9.9-megawatt AC solar photovoltaic electric generating facility on five parcels located north and south of Providence New London Turnpike (State Route 184), west of Boombridge Road and north of Interstate 95 in North Stonington, Connecticut, and associated electrical interconnection. Record and Final Decision, available at <a href="https://portal.ct.gov/CSC/3\_Petition-Nos-1441-1450/Petition-Nos-1443\_SR-North-Stonington-LLC">https://portal.ct.gov/CSC/3\_Petition-Nos-1443\_SR-North-Stonington-LLC</a>
- 35. CONNECTICUT SITING COUNCIL, Electric and Magnetic Field Best Management Practices for the Construction of Electric Transmission Lines in Connecticut, December 14, 2007, revised February 20, 2014, available at https://www.ct.gov/csc/lib/csc/emf\_bmp/revisions\_updates/754bmpfinal.pdf
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- CONNECTICUT SITING COUNCIL, Investigation into the Life-cycle Costs of Electric Transmission Lines, October 11, 2018, available at <u>https://www.ct.gov/csc/lib/csc/publications/2017-life-cycle\_finalrpt.pdf</u>

## Department of Energy and Environmental Protection

39. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, Connecticut Guidelines for Soil Erosion and Sediment Control, DEP Bulletin 34, May 2002, last revised November 2007, available at <u>http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav\_GID=1654</u>

- 40. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *The Connecticut Stormwater Quality Manual*, 2004, *and appendices, available at* <u>http://www.ct.gov/DEP/cwp/view.asp?a=2721&q=325704&depNav\_GID=1654#download</u>
- 41. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER MANAGEMENT, PLANNING AND STANDARDS DIVISION, Water Quality Standards, (Surface Water Quality Standards and Ground Water Quality Standards Effective October 10, 2013, available at <u>https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/%7B2328E62B-7982-48A7-AF52-F3F382A821FA%7D</u>
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- 43. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, Connecticut Noise Control Regulations, Effective June 15, 1978, Regulations of Connecticut State Agencies §§22a-69-1, et seq., available at <u>https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/%7BAC772FCD-E1D5-4E99-A871-13C581E951F8%7D</u>
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- 45. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, 2020 Integrated Resource Plan for Connecticut, October 2021, available at 2020-Connecticut-Integrated-Resources-Plan-10-7-2021.pdf
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# **Department of Public Health**

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## **Department of Transportation**

- 51. STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION, ConnDOT Drainage Manual, 2000, last revised July 2016, available at <u>http://www.ct.gov/dot/cwp/view.asp?a=3200&q=260116</u>
- 52. STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION, Utility Accommodation Manual, February 2009, available at http://www.ct.gov/dot/lib/dot/documents/dutilities/ACCOMODATION.pdf
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## **Other State Agencies**

- 54. STATE OF CONNECTICUT, OFFICE OF POLICY AND MANAGEMENT, *Conservation and Development Policies Plan for Connecticut 2018-2023*, December 4, 2019, *available at* <u>https://portal.ct.gov/OPM/IGPP-MAIN/Responsible-Growth/Conservation-and-Development-Policies-Plan/2018-2023-POCD-Update</u>
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- 56. STATE OF CONNECTICUT, CONNECTICUT GREEN BANK, Comprehensive Plan, Fiscal Year 2020 and Beyond, available at https://ctgreenbank.com/wp-content/uploads/2020/07/Green-Bank Revised-Comprehensive-Plan 062620a.pdf
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- 67. STATE OF CONNECTICUT, PUBLIC ACT NO. 21-2, Sections 149-150, July 1, 2021, available at https://www.cga.ct.gov/2021/act/pa/pdf/2021PA-00002-R00SB-01202SS1-PA.pdf

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- 69. Grimes v. Conservation Comm. of Litchfield, 243 Conn. 266, 278 (1997).
- 70. FairwindCT, Inc. v. Connecticut Siting Council, 313 Conn. 669 (2014).
- 71. Connecticut Energy Marketers Association v. Dept. of Energy and Environmental Protection, 324 Conn. 362 (2016).
- 72. Corcoran v. Connecticut Siting Council, 284 Conn. 455 (2007).

# **TECHNICAL**

- 73. INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, *National Electrical Safety Code*, American National Standards Institute, Standard C2-2017, October 18, 2016.
- 74. IEEE STANDARDS ASSOCIATION, 1264-2015 IEEE Guide for Animal Deterrents for Electric Power Supply Substations, available at https://standards.ieee.org/findstds/standard/1264-2015.html
- 75. NATIONAL FIRE PROTECTION ASSOCIATION 70: National Electrical Code, 2017.
- 76. EXPONENT, INC., EMF and Health: Comprehensive Review and Update of the Scientific Research – January 15, 2010 through March 1, 2012, July 27, 2012, available at <u>https://www.bchydro.com/content/dam/BCHydro/customer-portal/documents/corporate/community/exponent-2010-2012.pdf</u>
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## **ENVIRONMENTAL**

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# MAPS

- 84. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *Interactive National Heritage Areas Map, available at* <u>https://www.nps.gov/maps/full.html?mapId=01a03739-ab0c-40eb-bc3d-6791d3bb67fa</u>
- 85. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, Natural Diversity Database Maps for the Town of North Stonington, available at http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp
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- 88. UNIVERSITY OF CONNECTICUT, CONNECTICUT ENVIRONMENTAL CONDITIONS ONLINE, Connecticut Critical Habitats and Open Space, last updated November 28, 2012, available at <u>http://cteco.maps.arcgis.com/home/item.html?id=a1bf59798c5b45a98aeaeb97dafd60b9</u>
- 89. CONNECTICUT FOREST & PARK ASSOCIATION, BLUE-BLAZED HIKING TRAILS INTERACTIVE MAP, available at <u>https://www.ctwoodlands.org/blue-blazed-hiking-trails/blue-blazed-hiking-trails-interactive-map</u>
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- 91. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, *Connecticut Official State Tourism Map*.
- 92. MAIL-A-MAP STREET MAP, North Stonington, *available at* <u>http://mailamap.com/street\_maps</u>

- 93. UNITED STATES GEOLOGICAL SURVEY, Interactive Topographical Map *available at* <u>http://magic.lib.uconn.edu/topographic\_maps.html</u>
- C. State Agency comments
  - 1. Department of Energy and Environmental Protection Comments, dated February 7, 2022
- D. Municipal comments
  - 1. Town of North Stonington Comments on Request to Reopen, dated December 14, 2021

II. Appearance by Petitioner:

Representatives:

SR North Stonington, LLC (SRNS)

Kenneth C. Baldwin, Esq. Jonathan H. Schaefer, Esq. Robinson & Cole, LLP

- A. Administrative Notice.
- B. Exhibits for Identification.
  - 1. Motion to Reopen based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) on Petition for a Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 9.9megawatt AC solar photovoltaic electric generating facility on five parcels located north and south of Providence New London Turnpike (State Route 184), west of Boombridge Road and north of Interstate 95 in North Stonington, Connecticut, dated December 1, 2021, and attachments.
  - 2. Petitioner Sign Posting Affidavit, dated January 28, 2022
  - 3. Petitioner Responses to Council Interrogatories, Set One, dated February 8, 2022
- C. Swear Witnesses
  - 1. Peter Candelaria, P.E., Chief Operating Officer, Silicon Ranch
  - 2. Ali Weaver, Director, Project Development, Silicon Ranch
  - 3. Dean Gustafson, Manager, Natural Resources, All-Points Technology Corp. P.C.
  - 4. Matt Brawley, Senior Civil Engineer, HDR
  - 5. Vincent Ginter, P. Eng., M. Sc., Urban Solution Group
- D. Full Exhibits Verification of exhibits by witnesses and admission by the Council.
- E. Cross Examination.
  - 1. Council
  - 2. Town of North Stonington

III. Appearance by Party:

**Representatives:** 

Town of North Stonington

Robert A. Avena, Esq. Suisman, Shapiro, Wool, Brennan, Gray & Greenberg, P.C.

- A. Administrative Notice.
- B. Exhibits for Identification.
  - 1.
- C. Swear Witnesses
  - 1.
- D. Full Exhibits Verification of exhibits by witnesses and admission by the Council.
- E. Cross Examination.
  - 1. Council
  - 2. Petitioner
- IV. Closing by Connecticut Siting Council.