



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

May 1, 2023

Lee D. Hoffman, Esq.  
Pullman & Comley, LLC  
90 State House Square  
Hartford, CT 06103-3702  
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RE: **PETITION NO. 1562** - 524 NLR 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 3.99-megawatt AC solar photovoltaic electric generating facility located at 524 New London Road, Colchester, Connecticut, and associated electrical interconnection.

Dear Attorney Hoffman:

The Connecticut Siting Council (Council) requests your responses to the enclosed questions no later than May 22, 2023. Please submit an original and 15 copies to the Council's office and an electronic copy to [siting.council@ct.gov](mailto:siting.council@ct.gov). In accordance with the State Solid Waste Management Plan and in accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies, the Council requests all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators. Fewer copies of bulk material may be provided as appropriate.

**Please be advised that the original and 15 copies are required to be submitted to the Council's office on or before the May 22, 2023 deadline.**

Copies of your responses are required to be provided to all parties and intervenors listed in the service list, which can be found on the Council's website under the "Pending Matters" link.

Any request for an extension of time to submit responses to interrogatories shall be submitted to the Council in writing pursuant to §16-50j-22a of the Regulations of Connecticut State Agencies.

Sincerely,

Melanie Bachman  
Executive Director

MB/rm

**Petition No. 1562**  
**524 NLR LLC**  
**524 New London Road, Colchester, Connecticut**

**Interrogatories**  
**May 1, 2023**

**Project Development**

1. Has the Town of Colchester (Town), the Town of Salem and/or any abutters provided comments to the Petitioner since the Petition was submitted to the Council? If yes, summarize the comments and how these comments were addressed.
2. If the project is approved, identify all permits necessary for construction and operation and which entity will hold the permit(s)?
3. What is the estimated cost of the Project?
4. If the facility operates beyond the terms of the SCEF Agreement, will Petitioner decommission the facility or seek other revenue mechanisms for the power produced by the facility?
5. Is the project, or any portion of the project, proposed to be undertaken by state departments, institutions or agencies, or to be funded in whole or in part by the state through any contract or grant?

**Proposed Site**

6. Referencing Petition page 2, it states, “The Project will be located on a 35.56-acre property on the west side of New London Road... (“Site”). Referencing Petition page 4, it states, “The Project will occupy ±16.49 acres in the eastern portion of the Site (“Project Area”).” Referencing Figure 1 on Application page 3 and the regulatory definition of “site” in the next interrogatory, is the “Site” depicted as the host parcel and the “Project Area” depicted as the site throughout the Petition?
7. Submit a map clearly depicting the boundaries of the solar facility site and the boundaries of the host parcel(s). Under Regulations of Connecticut State Agencies (RCSA) §16-50j-2a(29), “**Site**” means a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right-of-way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located.
8. In the lease agreement with the host property owner, are there any provisions related to decommissioning or site restoration at the end of the project’s useful life? If so, please describe and/or provide any such provisions.
9. Provide the distance, direction and address of the nearest property line and nearest off-site residence from the solar field perimeter fence.
10. Referencing Existing Photo 1 in the Visibility Analysis, could the ranch gate at the entrance to the host parcel be retained?

### **Energy Output**

11. Is the project being designed to accommodate a potential future battery storage system? If so, please indicate the anticipated size of the system, where it may be located on the site, and the impact it may have on the SCEF Agreement.
12. Would the Petitioner participate in an ISO-NE Forward Capacity Auction? If yes, which auction(s) and capacity commitment period(s)?
13. What is the anticipated capacity factor of the project? Would the capacity of the system decline over time? If yes, estimate annual losses.
14. If one section of the solar array experiences electrical problems causing the section to shut down, could other sections of the system still operate and transmit power to the grid? By what mechanism are sections electrically isolated from each other?

### **Site Components and Solar Equipment**

15. Identify the anticipated location(s) of the 24 inverters proposed for the site.
16. Referencing Site Plan SP-1, list the equipment that would be installed on each electrical pad.
17. Is the wiring from the panels to the inverters installed on the racking? If wiring is external, how would it be protected from potential damage from weather exposure, vegetation maintenance, or chewing animals?
18. Would the single axis tracker system move along the east-west or north-south axis? Submit a specification sheet of the tracking system.

### **Interconnection**

19. Referencing Site Plan SP-1, what is the height of the utility poles above ground level after installation? Can the number of poles be reduced by consolidating equipment?

### **Public Safety**

20. Would the project comply with the current Connecticut State Building Code, National Electrical Code, the National Electrical Safety Code and any applicable National Fire Protection Association codes and standards including, but not limited to, NFPA Code Section 11.12.3?
21. In the event of a fire or emergency, describe procedures that will allow emergency responders to shut down the facility.
22. In the event of a brush or electrical fire, how are potential electric hazards that could be encountered by emergency response personnel mitigated? What type media and/or specialized equipment would be necessary to extinguish a solar panel/electrical component fire?
23. Are there any water wells on the site or in the vicinity of the site? If so, would the installation of racking posts affect well water quality from construction impacts, such as vibrations and sedimentation? Approximately to what depth would the racking posts be installed?

24. What noise-generating equipment would be installed at the site? Would operation of the proposed facility meet the applicable Department of Energy and Environmental Protection (DEEP) Noise Standards at the nearest property boundary?
25. Referencing Petition p. 29, does the noise analysis consider the collective noise of the inverters at the nearest property line? Explain.
26. Would the Petitioner conduct outreach/training to local emergency responders regarding safety, fire control and other emergencies that could occur at the site?

### **Environmental**

27. Referring to Petition Attachment A - Property Survey/Topographic Map, Sheet 2, what does the shaded area at contour 510 feet amsl represent?
28. Referring to Petition Attachment B- Environmental Assessment, p. 16, the existing soils are described as disturbed, nutrient-poor, and compacted. How does the Petitioner intend on establishing soils that are not compacted and contain nutrients to establish re-vegetation? Would topsoil be imported into the site?
29. What effect would runoff from the drip edge of each row of solar panels have on the site drainage patterns? Would channelization below the drip edge be expected? If not, why not?
30. Please submit photographic site documentation with notations linked to the site plans or a detailed aerial image that identify locations of site-specific and representative site features. The submission should include photographs of the site from public road(s) or publicly accessible area(s) as well as Site-specific locations depicting site features including, but not necessarily limited to, the following locations as applicable:

For each photo, please indicate the photo viewpoint direction and stake or flag the locations of site-specific and representative site features. Site-specific and representative site features include, but are not limited to, as applicable:

1. wetlands, watercourses and vernal pools;
2. forest/forest edge areas;
3. agricultural soil areas;
4. sloping terrain;
5. proposed stormwater control features;
6. nearest residences;
7. Site access and interior access road(s);
8. utility pads/electrical interconnection(s);
9. clearing limits/property lines;
10. mitigation areas; and
11. any other noteworthy features relative to the Project.

A photolog graphic must accompany the submission, using a site plan or a detailed aerial image, depicting each numbered photograph for reference. For each photo, indicate the photo location number and viewpoint direction, and clearly identify the locations of site-specific and representative site features show (e.g., physical staking/flagging or other means of marking the subject area).

The submission shall be delivered electronically in a legible portable document format (PDF) with a maximum file size of <20MB. If necessary, multiple files may be submitted and clearly marked in terms of sequence.

31. Referring to Petition Appendix B- Environmental Assessment p. 21, has the US Fish and Wildlife Service provided further guidance regarding the consultation process for the Northern Long-eared bat (NLEB)? If yes, has the Petitioner re-filed for a NLEB determination?

### **Facility Construction**

32. Petition Site Plans EC-3 shows the outfalls for the temporary sediment traps directing water into perimeter silt fence. How will outflows be controlled to avoid silt fence overtopping or breaching during heavy rain events?
33. Referring to Petition Site Plan EC-1, Final Grading and Drainage Plan, describe procedures for removal of the temporary sediment traps.
34. Referring to Petition pp. 30 - 31, it states “*the Petitioner confirmed with DEEP staff that no testing or remediation would be required for the installation of racking, panels, inverters, and associated equipment. If however, Petitioner wishes to excavate soil at the Site, testing of the soil, depending on where it is located may be required under applicable DEEP regulations.*” Was the excavation of soils to construct the temporary sediment basins or site grading discussed at the meeting? What specific actions are necessary, if any, to excavate soils and/or grade the site so that potential contaminated soils are not disturbed?

### **Maintenance/Decommissioning**

35. Referencing Petition Sheet GN-2, Environmental Notes – Resources Protection Measures, under what circumstances would pesticides or herbicides be used at the solar facility site?
36. Would the Petitioner store any replacement modules on-site in the event solar panels are damaged or are not functioning properly? If yes, in what location?
37. Submit an Operation and Maintenance Plan for the facility that includes provisions for inspections and maintenance of facility components, fencing and vegetation.