



Robert M. DeCrescenzo
(t) 860.548.2625
(f) 860.584.2680
bdecrescenzo@uks.com

VIA ELECTRONIC MAIL

August 24, 2023

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103
kbaldwin@rc.com

RE: **PETITION NO. 1572** – East Windsor Solar Two, 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 4.0-megawatt AC solar photovoltaic electric generating facility located at 31 Thrall Road, East Windsor, Connecticut, and associated electrical interconnection.

Dear Attorney Baldwin:

The Town of East Windsor (“Town”) requests your responses to the enclosed questions no later than August 31, 2023. Please submit an original to the office of Updike, Kelly and Spellacy, P.C. (“Town’s Counsel”) Goodwin Square 225 Asylum Street, 20th Floor, Hartford, CT 06103 Attn: Robert M. DeCrescenzo, Esq. and an electronic copy to bdecrescenzo@uks.com.

Please be advised that the original is required to be submitted to the Town’s Counsel’s office on or before the August 31, 2023 deadline.

Any request for an extension of time to submit responses to interrogatories shall be submitted to the Town’s Counsel in writing.

Very truly yours,

Robert M. DeCrescenzo, Esq.
Town Attorney

Petition No. 1572
East Windsor Solar Two, LLC and VCP, LLC d/b/a Verogy
31 Thrall Road, East Windsor, Connecticut

Interrogatories
August 24, 2023

Notice

1. Describe outreach efforts to project abutters. Have any abutters requested further information? Were right-of-way (ROW) restoration measures described during public outreach?

Project Development

2. Has East Windsor Solar Two, LLC (EWST) received any comments since the petition was submitted to the Connecticut Siting Council (Council)? If yes, summarize the comments and how these comments were addressed.
3. Identify the status of EWST obtaining the following permits: (a) Connecticut Department of Energy and Environmental Protection, General Permit for the Discharge of Stormwater and Dewatering Wastewater from Construction Activity; (b) Town of East Windsor, Building Permit; and (c) Town of East Windsor, Electrical Permit. Identify any additional permits necessary for completion and operation of the facility and which entity will hold the permit(s)?
4. Has EWST met with the DEEP Stormwater Division? If yes, when? Please describe any recommendations, comments, or concerns about the Project from the Stormwater Division.
5. Has EWST applied for a stormwater permit? If yes, what is the status of said permit?
6. If a Declaratory Ruling is issued for the proposed facility, does EWST plan to construct, or partially construct, the facility and transfer it to another entity?
7. Have there been any new plans to incorporate a battery energy storage system (“BESS”) on the project site? 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.
8. Identify any proposed new and/or replacement structures that are pending Federal Aviation Administration obstruction evaluation. Are any of the existing structures that would be replaced currently marked/lighted?
9. Has EWST considered designing any production agriculture on the site, in concert with the solar project (e.g., providing space and access for beehives and/or grazing animals)? If so, please provide additional information.

10. Referencing Appendix A, the product warranty for the panels is 12 years and the linear performance warranty is 25 years, who is responsible for the obligations after the respective warranties expire?
11. How do the trackers work? What are the maintenance requirements for the trackers? Do the trackers emit any audible noise? How do the trackers adjust in bad weather? Do they only move up and down or do they also move side to side? How is this monitored?
12. Referencing the Petition, there is an existing vacant residence on the property. Is EWST willing to subdivide the property to sell the house that is currently located on site? If not, who will be responsible for maintaining the house, so it does not fall into disrepair?
13. Referencing Appendix J, what happens to the land and barns currently being leased to Cohen Farms for broad leaf tobacco, if Cohen Farms discontinues their operation on site? What is EWST's maintenance plan for the barns located at the site? How will they be monitored and enforced so they do not fall into disrepair?
14. Will a construction and maintenance bond be obtained for the work to be performed? If so, in what amount?
15. Department of Transportation scenic roads state: to meet the criteria of a scenic highway shall have a minimum length of 1 mile and shall abut development which is compatible with its surroundings. Has EWST considered downsizing the facility in order to establish a larger natural and appealing buffer that will allow the Town to seek recognition of the roadway to be scenic?
16. The new proposal will be in the R3 Zone. Putting utility scale solar in a residential zone is not compatible with the Town's Plan of Conservation & Development. Have alternative sites been explored that are not in residential zones? If so, which alternative sites? Will the facility be aesthetically compatible with the surrounding area in the R3 Zone?
17. Quantify the amounts of cut and fill that would be required to develop the proposed facility. If there is excess cut, will this material be removed from the site or deposited on the site?
18. Referencing Appendix F, construction is scheduled to begin in winter 2023-2024. Provide the estimated typical construction hours and days of the week (e.g. Monday through Friday 8 AM to 5PM)? What challenges are present with commencing construction during the colder winter months? What is EWST's plan to combat these challenges?
19. What time interval is anticipated to achieve stabilization of disturbed areas?
20. If EWST transfers the facility to another entity, would EWST provide the Town with a written agreement as to the entity responsible for any outstanding conditions of the Declaratory Ruling and quarterly assessment charges that may be associated with this facility, including contact information for the individual acting on behalf of the transferee?

21. Will the Owner of the site be willing to offer an agricultural easement across other land it owns in Town in the equivalent amount of acreage of the project site?

Energy Output

22. How will the communications from the facility be dispatched and by whom?
23. What distribution system benefits (ex. resiliency of critical infrastructure, reliability of the electric system, etc.) would be provided by the facility? How does the facility meet the objectives of the state Energy Storage Solutions Program?
24. Is the facility required to reserve any battery storage capability for backup power? Where would the backup power be used and by whom?
25. How long will it take for the facility to obtain full output from when it is completed and placed in service?
26. How is the proposed facility consistent with the objectives of the state Conservation & Load Management Plan?
27. Is it the intention that the entire output of the facility will be sold to the grid?

Environmental

28. Provide a copy of the wetland and vernal pool assessments specific to the site.
29. Would the proposed gravel access road serve as a barrier to wood frog and mole salamander migration? If yes, what measures can be taken to enhance migratory corridors?
30. Which stormwater basins would have permanent isolation barriers to prevent access by obligate vernal pool amphibians? Provide a Site Plan detail of the isolation barrier.
31. Please provide details of the maintenance plan over the useful life of the facility.
32. What is the distance from the limit of disturbance to the nearest wetland boundary for each solar array area and associated stormwater management features (excluding gravel access roads)?
33. What is the distance of the nearest 100-year flood zone from the facility?
34. Where is the nearest publicly accessible recreational area from the proposed site? Describe the visibility of the proposed project from this recreational area, if any.
35. Where is the nearest national, state and/or locally designated scenic road or area from the proposed site? Describe the visibility of the proposed facility from these areas, if any.

36. Referencing Appendix D, what potential negative impact will the sheep grazing program have on water quality in the nearby wells?
37. Referencing Appendix J, if the sheep grazing program ceases with Natalie Cohen of Hillview Farm, what alternatives are in place to address the overgrown vegetation on site?
38. Were subsurface soils evaluated for hazardous contaminants? If so, please provide us with the results of the evaluation. Will excavated soils require disposal at a hazardous materials facility?
39. Will the project require a U.S. Army Corps of Engineers permit/notification for work within wetlands/watercourses?
40. Referencing Appendix I, will any trees be cut down at the site? If so, how many acres? How would tree clearing affect the acreage? Provide an aerial photograph that depicts pre- and post-construction acreage.
41. Can the project be revised to include larger wetland buffers, including but not limited to relocation of array areas to other portions of the property or the use of higher wattage panels?
42. Will any residences have year-round views of the solar array areas/fencing? Can landscaping be installed to mitigate views?
43. What, if any, fertilizers, or pesticides are expected to be used during the of the solar project, and for what reason(s)?
44. Were more environmentally friendly alternatives explored for supporting the solar panels to be installed at the site? Please explain how the choices were selected.
45. Will topsoil, subsoil, and substratum soil material be stockpiled for reuse? Where will this be located and how will it be stabilized? What mechanisms are in place to ensure these materials will stay on site?
46. Were any samples taken and georeferenced to determine existing soil physical and chemical properties to use as a baseline? If so, please provide results of the baseline study.
47. Will there be a soil scientist on side during soil disturbance activities to assist in directing trenching and grading to correctly separate and replace soil horizons and stockpiling?
48. What inspections will be conducted pre-construction, during construction and post-construction? Who will be responsible for said inspections and screening of the facility?
49. What impact will the facility have on adjacent vernal pools and wetlands?
50. There is no public water supply in the area immediately surrounding the project site. Will EWST perform regular testing of the wells to ensure no contamination has occurred? If contamination is detected, will EWST agree to remediate the contamination? How will EWST

protect the wells and/or water quality from potential construction and operational impacts? Will there be a reconstruction baseline testing of the aquifer?

51. Eighteen acres of prime farmland will be used for this project. Will there be an agreement to put aside an agricultural easement on other land so it can remain agriculture in perpetuity?
52. Referencing Appendix I, USFWS-NDDDB Compliance report makes mention of the “monarch butterfly *Danaus plexippus* Candidate”, please advise as to any communication or information received from the agency to determine whether the action will affect this critical species. Are there any additional NDDDB species of special concern that may be impacted by the site?
53. Has EWST explored using safer solar panels sourced from the United States? If yes, please describe how the decision was made. If not, why not?

Public Safety

54. Could the construction or operation of the proposed facility impact or interfere with any existing utilities or infrastructure within the surrounding area? If so, identify any measures that would be employed to protect existing utilities or infrastructure from impact or interference.
55. Will a crane be required for construction? If yes, would notice to the Federal Aviation Administration be required for the temporary use of a crane?
56. Will the solar facility have a protection system to shut the facility down in the event of a fault within the facility or isolate the facility during abnormal grid disturbances or during other power outage events?
57. Will the project comply with the National Electrical Code, the National Electrical Safety Code and any applicable National Fire Protection Association codes and standards?
58. Referencing Appendix L, the sound study for Solar Two Facility by Brooks Acoustics Corp. April 26, 2023, says that acoustical engineering evaluation was based on calculations conducted on May 14, 2022, at the existing Solar One Facility in Town. What methodology was used for that study? Have subsequent noise studies been conducted, including studies over the project life? If so, please provide copies. If not, why not?
59. Referencing Appendix A, panels had been flagged for lead. Have any PFAS tests been conducted on the panels? Is there a concern for potential contamination to PVP1 and PVP2 and/or the ground?
60. Referencing Appendix D, under what circumstances would the panels require treatment/maintaining with chemicals? If chemicals are used, what types of chemicals would be used and what potential environmental and safety risk do they have?
61. Have glare impact analysis been conducted from the variable angled panels? If so, please provide the results of said analysis.

62. Are there contamination concerns with water pooling and drainage contaminating the Windsorville Pond? What is EWST's stormwater runoff plan?
63. Would the proximity of any existing or proposed structures present a fire safety or other hazard (ex. Lightning strike)? Would the proximity of any existing or proposed structures present a hazard in relation to the electric generating equipment?
64. What type of media/special equipment would be necessary to extinguish a battery storage/electrical component fire? Specifically, based on any history of fires at installed battery systems, is there specialized firefighting equipment necessary to extinguish a Lithium-ion battery fire? Is there a concern with runoff and cleanup caused by fire extinguishment?
65. Referencing Appendix D, regarding emergency response:
 - a. Is outreach and/or training necessary for local emergency responders in the event of a fire or other emergency at the site?
 - b. How would site access be ensured for emergency responders?
 - c. In the event of a brush or electrical fire, how would EWST mitigate potential electric hazards that could be encountered by emergency response personnel?
 - d. Could the entire facility be shut down and de-energized in the event of a fire? If so, how?
 - e. Would there be an emergency key box for first responders to access the site for shutdown purposes?
66. What layers of protection will be included to prevent "Thermal Runaway?" For example, please respond to the following:
 - a. Would explosion vent panels be installed on the top of battery energy storage system?
 - b. Would a fast-acting gaseous agent system be installed to potentially put any Class C fire out before it can turn into a Class B fire that involves battery cells?
 - c. Would thermal imaging be employed?
67. Does the transformer have a containment system in the event of a leak? Can the SCADA system detect an insulating oil leak?
68. Referencing Appendix D, the Owner does not intend on removing snow from panels. Would the current design cause snow/and or ice to accumulate and stay in place during prolonged incidents of cold weather? Is there a plan to remove snow/ice to prevent ice fall hazard? If yes, describe snow/ice removal methods and site access.

Facility Maintenance/Decommissioning

69. Has the manufacturer of the proposed solar panels conducted Toxicity Characteristic Leaching Procedure (TCLP) testing to determine if the panels would be characterized as hazardous waste at the time of disposal under current regulatory criteria? If so, submit information that indicates

the proposed solar modules would not be characterized as hazardous waste. If not, would EWST agree to install solar panels that are not classified as hazardous waste through TCLP testing?

70. Would project decommissioning include stormwater management features? If yes, how would the stormwater management system be removed?
71. Would the underside of any panels have the potential to act as shelters or nesting areas for wildlife? Would nests/droppings be periodically removed from under the panels?
72. Referencing Appendix E, provide a preliminary Health and Safety Plan associated with decommissioning the site to minimize and eliminate all possible risks and hazards. Include a Job Hazard Analysis that will analyze each step of construction for hazards, along with any hazardous materials that may be used on site.
73. Will a decommissioning bond be obtained for the decommissioning work? If so, please explain the details of the planned decommissioning bond.