



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

October 20, 2023

Lee D. Hoffman, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06095
lhoffman@pullcom.com

RE: **PETITION NO. 1589** – USS Somers Solar, 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 3.0-megawatt AC solar photovoltaic electric generating facility located at 360 Somers Road, Ellington, Connecticut, and associated electrical interconnection. **Council Interrogatories to Petitioner.**

Dear Attorney Hoffman:

The Connecticut Siting Council (Council) requests your responses to the enclosed questions no later than November 9, 2023. Please submit an original and 15 copies to the Council's office and an electronic copy to 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 November 9, 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/in

c: Service List dated August 24, 2023

Petition No. 1589
USS Somers Solar, LLC
360 Somers Road, Ellington, Connecticut

Interrogatories
October 20, 2023

Notice

1. Referring to page 3 of the Petition, what comments were provided by the Town on January 10, 2023 to prompt the 25% reduction in the size of the solar facility from 4 MW to 3 MW and what comments were provided by the Town on July 24, 2023 after the 25% reduction in the size of the solar facility from 4 MW to 3 MW? Explain.
2. Referencing page 3 of the Petition, was the July 24, 2023, meeting attended by members of the public? If so, how many people were in attendance and what were their concerns.
3. Referencing the September 18, 2023 correspondence from the Town of Ellington Planning and Zoning Commission, approximately what sewer capacity and/or use would be required to construct, maintain and operate the proposed 3 MW solar facility?
4. Has USS Somers Solar, LLC (USS) received any additional comments since the Petition was submitted to the Council? If so, please summarize the comments and how these comments were addressed.

Project Development

5. What is the estimated cost of the project?
6. 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?
7. If the project is approved, identify all permits necessary for construction and operation and which entity will hold the permit(s)?
8. If USS transfers the facility to another entity, would USS provide the Council with a written agreement as to the entity responsible for any outstanding conditions of the Declaratory Ruling and quarterly assessment charges under CGS §16-50v(b)(2) that may be associated with this facility, including contact information for the individual acting on behalf of the transferee?
9. Was the project selected through a RFP process? If so, which RFP?
10. Is the project subject to a virtual net metering agreement? Would all 3.0 megawatts AC be dedicated to virtual net metering?
11. Does USS have a contract to sell the electricity and renewable energy certificates (RECs) it expects to generate with the proposed project? If so, to which public utility? If the electricity is to be sold to more than one public utility, provide the percentage to be sold to each public utility.

12. What authority approves the power purchase agreement (PPA) for the facility? Has a PPA with an electric distribution company been executed? If so, at what alternating current megawatt output? If not, when would the PPA be finalized?
13. What is the length of the PPA? Are there provisions for any extension of time in the PPA? Is there an option to renew?
14. Is the alternating current megawatt capacity of the facility fixed at a certain amount per the PPA and/or the RFP? Is there an option within the PPA to allow for changes in the total output of the facility based on unforeseen circumstances?
15. If the PPA expires and is not renewed and the solar facility has not reached the end of its lifespan, will USS decommission the facility or seek other revenue mechanisms for the power produced by the facility?

Proposed Site

16. Using the FAA Filing Locations Map behind Appendix H and the Existing Conditions Map behind Tab B, submit a map clearly depicting the footprint of the original 4 MW facility and the footprint of the proposed 3 MW facility.
17. Submit a map clearly depicting the boundaries of the solar facility site and the boundaries of the host parcel. 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.
18. What is the length of the lease agreement with the host property owner?
19. 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 to facilitate the host property owner's future intended use of the site? If so, please describe and/or provide any such provisions.
20. Does the lease agreement with the host property owner contain provisions for agricultural co-uses at the site? If yes, describe the co-uses.
21. Is the site, or any portion of the host parcel, part of the Public Act 490 Program? If so, how does the municipal land use code classify the parcel(s)? How would the project affect the use classification?
22. Has the State of Connecticut Department of Agriculture (DOAg) purchased any development rights for the facility site or any portion of the facility site as part of the State Program for the Preservation of Agricultural Land?
23. Are any portions of the site under lease by any third party? If yes, by whom, in what location and when does the lease expire?
24. Provide the distance, direction and address of the nearest property line and nearest off-site residence from the solar field perimeter fence, transformer pads and access drive.

25. Who would be responsible for responding to concerns and/or complaints related to agricultural co-use on the site? How would contact information be provided for complaints?
26. Referencing Petition P. 24 and Appendix B provide the total limits of disturbance area (LOD) for the proposed project.

Energy Output

27. What electrical loss assumptions been factored into the output of the facility, if any. What is the output (MW AC) at the point of interconnection?
28. Would the power output of the solar panels decline as the panels age? If so, estimate the percent per year.
29. 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 PPA.
30. 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?
31. Would USS participate in an ISO-NE Forward Capacity Auction? If yes, which auction(s) and capacity commitment period(s)?
32. Would USS construct the facility if the solar array footprint was further reduced? If yes, indicate the minimum facility output (MW) required to retain the project's viability.

Proposed Facility and Associated Equipment

33. Is the wiring from panels to the inverters installed on the racking system? If wiring is external, how would it be protected from potential damage from weather exposure, vegetation maintenance, or animals?
34. Provide the dimensions of the transformer and inverter pads.
35. What type of equipment would be located on the equipment pad along the access road?
36. Where would the transformers and inverters be located?

Electrical Interconnection

37. Is the facility interconnection required to be reviewed by ISO-NE? Is the project listed on the most recent ISO-NE Interconnection Queue? Is an ISO-NE study or approval required?
38. Does USS have an Interconnection Agreement with Eversource? Provide the status of the agreement.
39. What is the height of the three proposed utility poles?

40. Is the existing electric distribution line along Somers Road three-phase, or what upgrades would be necessary to facilitate the facility interconnection?
41. What equipment is mounted on each pole?
42. Have there been any discussions with Eversource about using pad-mounted equipment rather than pole-mounted equipment? Provide cost estimates for both an overhead and underground interconnection.

Public Safety

43. Would the project comply with the current Connecticut State Building Code and National Electrical Code?
44. Would USS coordinate with Ellington Airport as to any required modifications to general operations and the Airport Emergency Response Plan due to the construction, operation and maintenance of the proposed solar facility? Explain.
45. Would training be provided for local emergency responders regarding site operation and safety in the event of a fire or other emergency at the site?
46. 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?
47. Referring to p. 11 of the Petition, provide an emergency response plan for the proposed facility.
48. What are the industry Best Management Practices for Electric and Magnetic Fields at solar facilities? Would the proposed facility conform to these practices?
49. Does the transformer have a containment system in the event of a leak?
50. Referring to p. 5 of the Petition and Appendix B-Environmental Assessment Report, is Ellington Airport a federally-obligated airport? If not, identify the distance/direction of the nearest federally-obligated airport from the proposed site.
51. Is a glare analysis required to comply with FAA policy?
52. Is the site located within a “runway protection zone”? What development limitations or prohibitions apply to runway protection zones, if any, and who is authorized to utilize them? Explain.
53. Is there a required setback for an energy generation facility from a runway or runway protection zone at airports? Explain.
54. What are the airport access restrictions? How will the construction, maintenance and operation of the proposed facility coexist with existing airport operations and activities on the host parcel?
55. 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?

56. Referring to Petition p. 27 and Appendix B, provide the estimated noise levels at the nearest property boundary, the nearest residential property line and the nearest residential building.
57. Would operation of the proposed facility increase noise levels over existing noise emissions from the host parcel under the Standard Land Use Classification Manual of Connecticut categories referenced in Section 22a-69.2 of the DEEP Noise Control Standards? If so by how much? Would the overall noise levels be compliant with DEEP Noise Control Standards at the nearest property boundary?
58. What is the estimated noise level at the property line?
59. Were the abutting property owners and the Town notified of livestock grazing at the site?
60. If temporary electric fence is used at the site to create defined pasture areas within the solar field, what types of safety measures are in place to protect the public and emergency response personnel from electric fence shock hazards?

Environmental Effects and Mitigation Measures

61. Referencing petition p. 9, USS intends to introduce pollinator habitats within the “Project Area.” Where would pollinator habitats be established and what is the intended DEEP-approved seed mix to create pollinator habitat?
62. Does the proposed fence design include a 4 to 6 inch gap at the bottom to allow for small animal passage? Would the fence have to be lowered in order to protect sheep? If yes, could a farm style livestock fence (six-inch mesh) be installed instead to keep the livestock contained and to allow for small wildlife passage?
63. Would livestock manure affect water quality in downgradient wetlands/watercourses? How can such effects be mitigated?
64. What is the distance from the limit of disturbance to the nearest wetland boundary for the solar array area and associated stormwater management features (excluding gravel access roads).
65. Referring to p. 18 of the Environmental Assessment Report Appendix B, provide a resource protection plan for the proposed project to protect listed species. How would site specific environmental mitigation measures be communicated to field maintenance personnel?
66. Referring to Petition pp. 9 and 15 and Appendix B Environmental Assessment Report, identify the pollinator-friendly seed mix and the mix ratio.
67. Referring to Petition pp. 9 and 15, is the soil at the site capable of supporting native meadow grass?
68. Referring to Petition p. 9, how would mowing affect the Savannah sparrow (*passerculus sanwicensis*). Could mowing be done outside of the active season for the Savannah sparrow (i.e. between September 1 and March 31)?
69. Characterize year-round and seasonal views of the facility from abutting residential properties. What type of visual mitigation could be implemented for the site?

70. 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).

Facility Construction

71. Has USS met with the DEEP Stormwater Division? If yes, when? Please describe any recommendations, comments or concerns about the project provided by the Stormwater Division.
72. Referring to Petition p. 23 has USS submitted an application for a General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities from the Department of Energy and Environmental Protection? If yes, what is the status of such permit?
73. What time interval is anticipated to achieve stabilization of disturbed areas?
74. How would the posts (that support the racking system) be driven into the ground? In the event that ledge is encountered, what methods would be utilized for installation?
75. What effect would runoff from the drip edge of each row of solar panels have on site drainage patterns? Would channelization below the drip edge be expected?
76. Submit construction fuel materials storage, refueling and spill response plan.

Facility Maintenance/Decommissioning

77. Would replacement modules be stored on-site in the event solar panels are damaged or are not functioning properly? If yes, in what location?

78. 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 USS agree to install solar panels that are not classified as hazardous waste through TCLP testing?
79. Would project decommissioning include stormwater management features? If yes, how would the stormwater management system be removed?
80. Submit an Operations and Maintenance Plan for the facility.
81. Submit a Decommissioning Plan for the facility.