



**PETITION FOR A DECLARATORY RULING THAT A  
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND  
PUBLIC NEED IS NOT REQUIRED FOR THE CONSTRUCTION,  
OPERATION, AND MAINTENANCE OF A 1.99 MW AC SOLAR  
PHOTOVOLTAIC PROJECT ON THE CLOSED TORRINGTON  
LANDFILL IN TORRINGTON, CONNECTICUT**

**23 October 2023**





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October 23, 2023

**VIA ELECTRONIC MAIL AND HAND DELIVERY**

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

**Re: Petition of USS Torrington Solar LLC for a Declaratory Ruling that no Certificate of Environmental Compatibility and Public Need is Required for the Proposed Construction, Operation and Maintenance of a 1.99 +/- MW AC Solar Photovoltaic Electric Generating Facility to Be Located on the Closed Torrington Landfill at 105 Vista Drive in Torrington, Connecticut**

**Dear Ms. Bachman:**

I am writing on behalf of my client, USS Somers Solar, LLC, which is submitting the enclosed Petition for a facility to be located at the above-referenced location in Torrington, Connecticut. With this letter, I am enclosing the original and fifteen copies of the Petition, including all Appendices for the Petition. I am also enclosing a check for \$625.00, made payable to the Connecticut Siting Council.

I will send you an e-mail under separate cover with a link to an electronic version of the Petition and Appendices. Should you have any questions concerning this submittal, please contact me at your convenience.

Sincerely,

Lee D. Hoffman  
Enclosures

cc: Town Clerk, Town of Torrington, Connecticut

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## INTRODUCTION & PROJECT DESCRIPTION

This is a Petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the development, operation, and maintenance of the proposed USS Torrington Solar LLC (“Torrington Solar”; or “Petitioner”) in the City of Torrington, Connecticut, pursuant to Connecticut General Statutes §§ 4-176 and 16-50k. The proposal is a 1.99-megawatt (MW) alternating current (AC) ground-mounted solar photovoltaic (PV) project (“Project”) located on a portion of the closed Torrington Landfill located at 105 Vista Drive, Torrington, Connecticut (the “Solar Array” or “Facility”). The City of Torrington will continue to maintain the closed landfill and storage/stockpiling activities will continue to the west of the proposed solar array. See Figure 1 – Site Layout for more information.

This project is participating in the Shared Clean Energy Facility (“SCEF”) program and will sell power to the Connecticut Light & Power Company d/b/a Eversource Energy (“Eversource”) as part of its contract obligations. Petition approval by the Connecticut Siting Council (“CSC”) will allow this project to begin construction either in Q1 or Q2 2024, with commercial operation planned for 2025. Torrington Solar will help Connecticut meet its state sustainability and clean energy goals.

The Project is located on a single parcel located at 105 Vista Drive (“Site”) within the City of Torrington’s I (Industrial) zoning district. The fenced project area consists of approximately 4.9 +/- acres of the total 92 +/- acre parcel (“Project Area”). The parcel is currently a closed landfill. A cemetery is located to the north and industrial businesses to the east. Forested land is to the west and south. The nearest residence to the landfill, 1126 South Main Street, is approximately 1,300 feet east of the landfill.

## PETITIONER: USS TORRINGTON SOLAR LLC

USS Torrington Solar LLC is a subsidiary of United States Solar Corporation (“US Solar”). US Solar, a developer/owner/operator with offices in Connecticut, Minnesota, and Virginia seeks to make the benefits of solar more accessible. We coordinate all Project details— site acquisition, development, interconnection, permitting, finance, construction, operations, and maintenance. More information about US Solar can be found at [www.us-solar.com](http://www.us-solar.com).

Correspondence and communications regarding this Petition should be addressed to the following individuals:

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# SHARED CLEAN ENERGY FACILITY SUMMARY

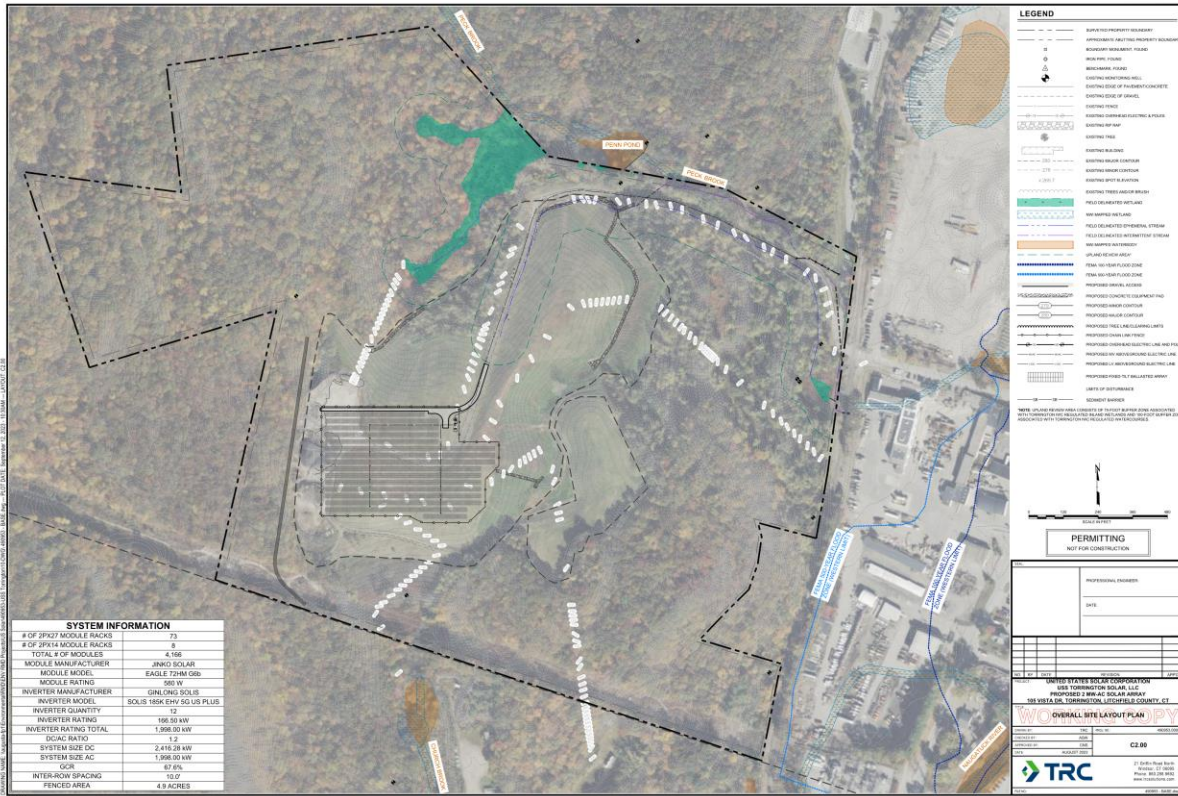
## SELECTING THIS PROPERTY

The Property was selected because of its solar resource, physical characteristics, including, but not limited to, its status as a closed landfill, proximity to sufficient distribution facilities, ability to meet all local permitting requirements, and of course, landowner support.

- Solar Resource
  - Closed municipal solid waste landfill with limited future use options
  - Relatively large and open to provide unobstructed access to natural sunlight
- Physical Characteristics
  - Limited grading maintaining landfill cover system soils, cap integrity, vegetative cover and existing drainage patterns
  - Utilizes the top flatter portion of the landfill surface for solar array placement
  - Complies with the Connecticut Department of Energy & Environmental Protection (“CTDEEP”) soil erosion and sedimentation requirements during construction and post-construction
  - Not being utilized for agricultural purposes
  - No impact to wetlands or neighboring properties
  - Adequate space for setbacks
  - Soils capable of supporting facility and equipment
  - No water or other infrastructure improvements needed
- Proximity to Sufficient Distribution Facilities
  - Existing distribution line on South Main Street
  - Adequate capacity for the Facility on existing distribution line and other infrastructure
  - Supplies electricity throughout the local community
  - Existing substation in relatively close proximity with adequate available capacity for the Facility, according to studies provided by Eversource
- Ability to meet all local permitting requirements
- Landowner support

# SITE PLAN

The proposed site plan is enclosed as Appendix I to describe our design of the Solar Array. A rendering of the site plan is pictured below for convenience. Appendix I shows the parcel, Solar Array dimensions and specifications, zoning setbacks, as well as additional information. The site plan, along with narrative and other associated figures in the Appendices, address all requirements listed for a Petition for Declaratory Ruling for a Renewable Energy Project.



# PROJECT BENEFITS

If approved, the Project will provide a wide range of environmental and economic benefits to the State of Connecticut and the City of Torrington. The Project will provide the State’s electrical system with additional generating capacity that will help to meet demand using renewable energy and will contribute to grid stability. The Project will generate the majority of its power during the summer electrical peak and will provide peaking resources when the State has its greatest need. This reduction in energy demand during peak usage will, in turn, decrease energy costs for ratepayers statewide.

The Project will also represent a source of both direct and indirect revenue contribution to the community. The Project will re-use and existing, closed landfill which has limited, if any, possibilities for other re-use. As such, the Project will provide municipal tax revenues to the Town, with no additional

burden on Town services or infrastructure. Additionally, by producing clean, renewable energy, the Project will help the state to offset its carbon footprint and meet its progressive renewable energy targets.

## **ENVIRONMENTAL CONSIDERATIONS**

The following environmental considerations have been evaluated for the Project.

### **AIR EMISSIONS**

During the construction of the Project, there will be temporary and minor air emissions from the construction equipment and vehicle emissions, as well as brief discharges of dust generated by general construction activities. Dust will be monitored throughout the construction period, and actions will be taken to reduce or avoid increasing the amount of fugitive dust in the air by the use of water sprayers or other non-intrusive means as necessary.

During operation, the Project is not expected to adversely affect or degrade air quality, as solar modules generate electricity that is distributed to the regional grid without producing air emissions. There will be no substantial air emissions from the operations of vehicle exhaust and/or dust from driving on access roads. It is not anticipated that slash will be burned during the construction of this Project. No emission sources associated with the operation of the Project will require a CTDEEP air permit.

The Project will not result in any adverse impacts to air quality as a result of construction and/or post-construction activities.

### **WATER, SEWAGE, AND WASTE**

No water, sewage, or waste management services are required onsite for the operation of the Solar Array. During construction, the only anticipated water usage will be associated with temporary construction demand. Construction personnel will use bottled drinking water and water for dust abatement will be supplied by a tanker truck. Portable waste facilities will be provided during the construction period. Delivery routes will be designed to pose the smallest traffic impact in the local community. The Project will coordinate with local authorities as to preferred times and routes prior to construction mobilization. Construction employees will park within the Project premises. There will be no permanent storage on-site. Employees will be provided with mobile waste management options sourced from the local area.

### **FEMA FLOODPLAIN MAPPING**

Flood hazard areas on the Federal Emergency Management Agency (“FEMA”) Flood Insurance Rate Maps (“FIRM”) for the Site are identified as Special Flood Hazard Areas (“SFHA”). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded on FEMA mapping) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded on FEMA mapping).

According to FEMA’s National Flood Insurance Program FIRM 095081007B (effective 4/4/1983) provided in Appendix V, the Project Area is within Zone C (unshaded) and not within a 100-year flood zone. There

are Zone B and Zone A11 flood hazard areas associated with the Naugatuck River mapped off site to the east of the Project Area.

Based on avoidance of development within the 100-year floodplain, the Project will not cause or increase flooding or cause an unreasonable flood hazard to any structure. The proposed Project will not cause an unreasonable alteration of natural drainageways.

## **GROUNDWATER AND AQUIFER PROTECTION AREAS**

The CTDEEP Water Quality Classification for the Project Area is defined as GA (may not meet current standards). The Project is not within or in close proximity to an Aquifer Protection Area. The Project will not result in seepage treatment system discharge or the discharge of other wastes. The only potential source of groundwater contamination during construction would be the inadvertent spill of fuel, hydraulic, and lubricating oils used in the operation of vehicles and construction equipment. However, any spills of these materials from the equipment are typically minimal and will be managed appropriately. The construction contractors will be responsible for the storage and handling of these materials; including adhering to contingency plans to address any spills that may occur. CTDEEP will be notified in a timely manner if spills occur during the construction or operation of the Project.

## **FEDERAL AVIATION ADMINISTRATION (“FAA”)**

Solar projects proposed on airport property in the United States are subject to an airspace review by the FAA. As discussed in the “Technical Guidance for Selected Solar Technologies at Airports” (November 2010), potential airspace safety issues that must be addressed for solar PV projects include physical obstruction, reflectivity, and communication systems interference. The FAA published Interim Policy on FAA Review of Solar Energy Projects in the Federal Register on October 23, 2013, which provides additional guidance for assessing potential impacts of glare. The Policy describes the standard for measuring ocular impact and requires the use of SGHAT or an approved alternative to demonstrate compliance with the standards. Solar proponents must submit documentation addressing these issues along with a Form 7460, Notice of Proposed Construction or Alteration, to the FAA regional office for approval. The FAA also clarified that it does not have jurisdiction to regulate potential glare from projects located on non-airport land. The Project is not located on a federally obligated airport. However, the FAA’s policy strongly encourages proponents of off-airport projects to voluntarily comply with its Interim Solar Policy. Therefore, the FAA notice criteria tool was consulted for both construction and as-built conditions. The FAA notice criteria tool results indicate that the proposed development does not exceed the FAA Notice Criteria and are provided in Appendix V.

## **TREE CLEARING**

Limited tree clearing of less than 3,500 square feet will be completed near the point of interconnection to allow for installation of the interconnection utility poles and an overhead electric line which crosses an intermittent stream. No trees will be cleared in wetlands.

## **RARE, THREATENED, AND ENDANGERED SPECIES**

Rare, threatened, and endangered species were evaluated and Connecticut Natural Diversity Database (“NDDDB”) and U.S. Fish and Wildlife Service (“USFWS”) consultations were conducted as summarized below. The associated consultation records are provided as Appendix V.



## **Federal-Listed Species**

An official USFWS Information for Planning and Consultation (IPaC) report was prepared for the Project Site. The Endangered Species Act (ESA) of 1973 protects fish, wildlife, plants, and invertebrates that are federally listed as threatened and endangered, as well as any critical habitats listed for such species. A federally listed endangered species is one that is in danger of extinction throughout all or a significant portion of its range. A federally listed threatened species is likely to become endangered in the foreseeable future throughout all or a significant portion of its range. "Critical habitat" is defined as specific areas both within and outside the geographic area occupied by a species on which are found those physical and biological features essential to its conservation.

The official IPaC report list is limited to one federally listed threatened mammal, the northern long-eared bat (*Myotis septentrionalis*) (NLEB), which could potentially occur within the Project study area. The IPaC report does not indicate any Critical Habitat for federally listed species in the study area.

The NLEB is one of the species of bats most impacted by white-nose syndrome, a fungal disease. Due to NLEB population declines caused by white-nose syndrome and the continued spread of the disease, the NLEB was listed as a threatened species under the Federal ESA on April 2, 2015. The final 4(d) Rule was published in the Federal Register on January 14, 2016. The ESA directs all Federal agencies to work to conserve endangered and threatened species and to use their authorities to further the purposes of the ESA. Section 7 of the ESA, "Interagency Cooperation," is the mechanism by which Federal agencies ensure the actions they take, including those they fund or authorize, do not jeopardize the existence of any listed species.

USFWS has provided guidance for non-Federal actions that may cause a prohibited take of NLEB within a white-nose syndrome zone. The ESA Final Rule 4(d) relative to NLEB prohibits purposeful take of the species except where bats are to be removed from human structures or where bats must be handled for the purposes of conducting research (research permit required). Incidental take is discussed in terms of the removal of trees which may provide summer roosting habitat or winter hibernacula, particularly those used as maternity roost trees.

For activities located within the White-Nose Syndrome Zone, incidental take from tree removal is prohibited in the following circumstances:

Tree removal occurs within 0.25 miles of known NLEB hibernacula; and

The activity cuts or destroys known, occupied maternity roost trees or any other trees within a 150-foot radius of known, occupied maternity roost trees during the pup season (June 1 to July 31) within the area designated as the White-Nose Syndrome Zone.

There are no records of NLEB maternity roost trees in Connecticut. In addition, no winter hibernacula are identified within the City of Torrington. There is an NLEB hibernacula in the Town of Winchester bordering the City of Torrington to the north on the map entitled, "Northern long-eared bat areas of concern in Connecticut to assist with Federal Endangered Species Act Compliance" (CTDEEP, 2019). The proposed clearing of sparsely distributed trees and invasive plant species along the access road is not within likely NLEB roosting habitat. The naturally occurring forested areas outside the footprint of disturbance for the Project, are more typical roosting habitat for the NLEB. There is a New England cottontail (*Sylvilagus transitionalis*) focus area south of the Project Area (see Figure 4). The New England cottontail is the only rabbit native to Connecticut. In 2006, the USFWS designated the New England cottontail as a candidate

for threatened or endangered species status; however, in 2015 it was determined that the species would not be given threatened or endangered status.

Removal of hazard trees is not a prohibited incidental take under the rule. Hazard trees are any trees that must be removed to protect human life or property. On November 30, 2022, the USFWS published the final decision to list NLEB as endangered in the Federal Register. The NLEB's new status as a federally listed endangered species went into effect on January 30, 2023: therefore, the Final Rule 4(d) no longer applies to NLEB.

A USFWS IPaC determination was filed after March 31, 2023 when the new NLEB regulations went into effect. The IPaC determination found that NLEB was the only species requiring consultation. The Project was run through the NLEB key which resulted in a finding of not likely to adversely affect. The USFWS species list is only valid for 90 days and will be re-run prior to construction to ensure that no new species are included.

### State-Listed Species

The Connecticut ESA, passed in 1989, recognizes the importance of Connecticut's plant and animal populations and the need to protect from threats that could lead to their extinction. The overall goal of the legislation is to conserve, protect, restore, and enhance any endangered or threatened species and their essential habitat. Species are listed according to their level of risk, and their status is reviewed every five years.

The CTDEEP provides State and Federal Listed Species and Significant Natural Communities maps that indicate general locations of protected resources and are used as preliminary screening tools for conducting NDDB Review Requests. Exact locations of species and communities occur within shaded areas on the maps, but not necessarily in the center of shaded areas. If a study area is within a shaded area on an NDDB map, there may be a potential conflict with a listed species.

The CTDEEP NDDB was reviewed to determine whether any portion of the Project Area is within an area mapped as having the potential for state-listed special concern, threatened, or endangered species, as well as federal-listed species, and their habitats. There are no areas mapped by the NDDB at the Project Area.

A CTDEEP NDDB project review request was filed which resulted in a finding that there are no known state listed species so no further action is needed.

## **WETLANDS AND WATERCOURSES**

A Wetland Scientist conducted a Site reconnaissance on October 28, 2022 and confirmed that the landfill itself does not support wetlands or watercourses. A scrub shrub wetland is located in the northwestern portion of the Site along the access road and two watercourses flow through this wetland. This wetland flows offsite to the north towards Peck Brook and Penn Pond. An intermittent stream is located to the north of the landfill and flows offsite to the east. An emergent wetland is located in the eastern portion of the Site. No vernal pools were delineated. The proposed Project will not impact these wetlands and watercourses. There will be minor tree clearing near the intermittent stream for the Project's interconnection utility poles and overhead electric line but direct impacts to the stream will be avoided. Appropriate erosion and sediment controls will be installed and maintained throughout construction to protect these resources. The Wetland and Watercourse Delineation Report is provided as Appendix V.

## **VISUAL IMPACT**

The current land use is a closed municipal solid waste landfill that is isolated from public view. Surrounding uses are industrial or forest. The nearest residence to the landfill, 1125 South Main Street, is approximately 1,300 feet east of the landfill. Currently, the Project Area is a closed landfill with soil stockpiles. The Solar Array is composed of fixed-tilt PV modules supported by concrete ballast block foundations. The panels are about 6'-9' tall, depending on the tilt angle which varies throughout the array. Each row of solar panels is approximately 10' apart, and the entire Solar Array area is planted in a mix of native grasses compatible with the vegetative cover requirements for a closed municipal solid waste landfill. There are no permanent structures or buildings for the Solar Array.

The Solar Array will include a security fence around the entire perimeter, as required by National Electric Code. The security fencing will be ballasted and supported on the landfill surface without penetrating the soil cover system. The Facility will be surrounded by a seven (7)-foot tall woven wire security fence.

The area underneath the modules and between rows is the existing landfill cover system. The landfill cover vegetation will be restored to a meadow condition with a pollinator-friendly seed mix and maintained so that vegetation heights do not impede production of the solar array system. USS Torrington Solar LLC will control for noxious weeds throughout the life of the Project. The facility is isolated from public view with surrounding forested areas. No landscaped screenings are proposed.

## **CULTURAL RESOURCES**

A cultural resources assessment was completed for the Project Area. Online sources reviewed include the inventory of architectural resources listed on the National Register of Historic Places ("NRHP") and the Connecticut State Register of Historic Places, listings of historic cemeteries, and local historic districts and properties. Information on archaeological sites could not be collected during the desktop review.

There are no NRHP or Connecticut State Register of Historic Places-listed historic properties, historic cemeteries, or local historic districts or properties located within or directly adjacent to the Project's Area of direct impact. The closest previously identified resource is the NRHP-listed South School (NR# 86000522), which is located approximately 0.81 miles north of the Project Area. Typically, with landfill projects, the property is significantly disturbed by filling activities and cultural resources are no longer present. There is protected open space north of the Project Area, which is the Hillside Cemetery approximately 0.18 miles north. A review of historic maps of the Project Area shows no evidence of historic structures as far back as 1892.

A Connecticut State Historic Preservation Office ("SHPO") Project Notification Form was completed and SHPO provided a no effect letter. This documentation is included in Appendix V.

# CONSTRUCTION

## OVERVIEW

Although it requires special precautions to maintain the landfill cover system, the construction of a Solar Array on a closed landfill is simpler than many people realize. Since the landfill cover system cannot be disturbed, additional grading is limited to the importation of fill. Soils are brought in to help maintain positive stormwater drainage and fill depressions that may have occurred over time due to waste settlement. To provide additional protection to the cover material, soils may be brought in to construct permanent or temporary access roads on the landfill. These roads help to limit the impacts from the construction and operational equipment.

Solar equipment is mounted on concrete ballasts that do not penetrate the landfill cover. I-beams are set in the concrete of the ballasts. Racking sits on top of the steel I-beams. Solar panels clip into the racks. Electrical line is run in cable trays along the surface of the landfill cover and are routed to the transformer and inverter equipment pads. There are no permanent structures or buildings, which makes the eventual decommissioning process easy at the end of the Solar Array life. We use Tier 1 solar panels to achieve high efficiency and conform to high quality control and safety standards.

The bulk of the construction will occur in approximately 12 weeks, followed by testing, inspections, and commissioning work. Due to the increase of site traffic, the most notable phase of construction is the delivery of equipment. In total, the construction period is expected to last about 7 months. Hours of construction will be 7:00am to 7:00pm Monday-Saturday. No work will be done on Sundays and nationally observed holidays.

## PARKING

During our construction phase, a temporary parking area, adjacent to the Project, will be used for installation crews, delivery trucks (as needed), and construction and supervision personnel.

## VEHICLES/CONSTRUCTION TRIPS

Low-ground pressure equipment and vehicles will be employed for installation activities on the landfill cover. Larger delivery trucks will utilize the existing and proposed access roads with anticipated construction trips described below.

- Most deliveries will be in the first month and most electrical testing will be in the later stages of construction.
- Modules will come on 40-foot flatbed trucks or in 40-foot containers.
- We expect no more than 4 deliveries for all solar modules.
- We expect no more than 3 container trucks to deliver racking material.
- We expect no more than 2 deliveries for inverters, switchgears, and transformers.
- We expect 4 trips for Balance of Plant equipment in containers that are 40 feet or smaller.
- Note: We expect no more than 4 deliveries per day.

## STRUCTURES

All monitoring is done remotely. No permanent structures will be built onsite.

## **STORAGE DURING OPERATION**

As referenced above, there will be no equipment or materials storage onsite.

## **SIGNAGE**

Hazard and emergency signage shall be placed along the facility's perimeter fencing and on gates. To provide safety and support good practices, internal signage for labeling of electrical equipment will be provided as well.

## **SITE ACCESS**

An access road already exists from Vista Drive to the top of the landfill. The Project security gate will be located on the top of the landfill, immediately surrounding the array. The access road will be supplemented with additional gravel and extended along the northern boundary of the array. A vehicle turnaround will also be constructed just inside the gate adjacent to the proposed equipment pad. The road provides necessary access for construction, regular mowing and maintenance activities, and decommissioning of the Project, while minimizing impact to the landfill. The road also provides access in the unlikely event that emergency crews are needed onsite. We utilize the following simple process for construction of the new portion of the access road:

- (1) Topsoil within the limit of the road shall be removed prior to placement of road build-up materials and used in support of stabilizing roadway shoulders;
- (2) Lay down geotextile fabric over compacted subgrades, if necessary, to prevent vegetative growth; and
- (3) Install and compact a minimum 12 inches of aggregate material/gravel to level with surrounding grade.

See the Site Plan in Appendix I for a depiction of the access road.

## **CONSTRUCTION SCHEDULE**

Pending regulatory approvals, Project construction is anticipated to begin in the Spring of 2024, and will take approximately seven (7) months to complete. Construction activities within the Project Area will include installing erosion and sedimentation ("E&S") control measures; grading; incorporating stormwater best management practices; ballast and module installation; trenching along the access road to install electrical conduit without disturbing underlying solid waste, and new access road development. Some minor tree clearing will be conducted near the point of interconnection to allow for pole installation. Generally, existing grades throughout the Project Area will remain. Since the landfill cover system cannot be disturbed, additional grading is limited to the importation of fill. Additional soil material will be brought in to maintain positive stormwater drainage and fill landfill cover depressions that may have occurred over time due to waste settlement. The Petitioner's preliminary construction activities are sequenced as follows:

### **Phase 1:**

1. Identification of clearing and grading limits, delineation of sensitive areas, and wetlands prior to construction. Installation of protection measures to ensure sensitive receptors and existing site infrastructure are protected before the major construction occurs; and
2. Installation of perimeter E&S controls as identified by project plans/approvals and any necessary site-specific modifications as identified on the Project Plans.

**Phase 2:**

1. Completion of tree clearing, minimal clearing required near the point of interconnection.
2. Performance of earthwork and access road work with installation of associated stormwater management controls;
3. Installation of the concrete ballast blocks, grounding system, ground mounted solar array and electrical components;
4. After substantial completion of the installation of the solar panels and electrical components, complete remaining site work, including security fencing around the array areas, installation of permanent erosion control measures; and seed and stabilize all disturbed areas with permanent seed and mulch;
5. Completion of fine grading, permanent seeding and stabilization of all remaining disturbed areas; and
6. After the Project is fully stabilized and the required grow in period completed, and upon receipt of necessary CTDEEP and local approvals, remove the perimeter E&S controls.

## OPERATIONS AND MAINTENANCE

USS Torrington Solar LLC will remain in operation for 20 years following the in-service date. As a long-term owner and operator, US Solar's operations team analyzes Solar Array performance remotely 24/7 through our data acquisition system. This real-time monitoring aids in detecting and diagnosing any production anomalies, identifying, and addressing underperformance issues, managing service teams and technicians, and contacting landowners and the utility if necessary.

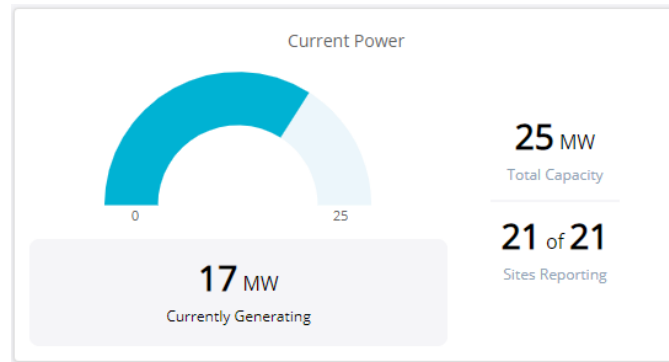


Figure: Snapshot of instantaneous generation for an operating portfolio

Required maintenance of the Project will be minimal. It is anticipated that the unstaffed Facility will require routine maintenance of the electrical and mechanical equipment one (1) time per year. Annual maintenance will typically involve two (2) technicians for one to two days. Repairs will be made on an as-needed basis. Vegetation restoration within the Facility is to be a CT DEEP approved meadow grass or pollinator mix. Mowing within the Facility will be completed approximately two (2) times a year to allow for establishment, growth, and germination of the meadow seed mix and prevent the establishment of woody vegetation on the cover system. The Petitioner does not envision requiring any routine "snow removal" operations; rather, the snow will be allowed to melt or slide off the modules. Snow around equipment pads will be removed by shoveling, as needed.

During the first few years, maintenance personnel will visit the site a few extra times per year to ensure the health of vegetation and landscaping. The Operations Team will be able to address any issues related to drainage, weed control, screening, general maintenance, and operation. Emergency contact details to be provided prior to construction.

In addition, Eversource personnel will have an easement and will perform maintenance activities of their interconnection facilities, if needed.

## PARKING

After construction is completed, there will be approximately two parking spots within the boundaries of the perimeter fence. Our vehicles will park there to avoid disrupting access by City vehicles to adjacent stockpile areas.

## **OTHER**

There will be:

- No daily traffic
- No equipment or materials storage onsite
- No marketing/advertising signage
- No water/sewer/trash utilities required onsite



# GRADING AND STORMWATER POLLUTION PREVENTION

## GRADING

Grading, filling, removal of soils, and addition of soils will be limited to the extent practical. Addition of fill is needed north of the array for the addition of the access road and within the location of the existing landfill access road. The fill is required to lessen the slopes in the center of the array to under 15% and maintain existing stormwater flow directions. Our solar racking will be installed on slopes of less than 15%.

The Project will maintain the existing drainage patterns of this parcel, minimizing impact to surrounding land. A Stormwater Pollution Control Plan (SWPCP) is provided in Appendix IV and was completed in accordance with the CTDEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities.

Since the proposed development is located on a capped landfill, site constraints prevent excavation of the cover system and underlying wastes to provide development of stormwater retention for the water quality volume. Based on record documents, the solid waste boundary at the site extends well beyond the limits of the RCRA Subtitle D closure which eliminates potential areas for locating a stormwater retention facility. These documents show that the landfill cover was constructed of a low permeability soil material and that the landfill cover grades were designed to direct stormwater off the landfill and limit infiltration to the wastes below. Due to the existing low-permeability nature of the landfill cover soils, the proposed development will not result in an increase in stormwater runoff and will not adversely impact the existing landfill cover system, site drainage features, or off-site drainage with erosion, sedimentation, and flooding. The proposed design will diffuse stormwater flow across the vegetated landfill surface to maintain sheet flow conditions beneath the array footprint, without creating concentrated flow that results in erosion. Proposed measures are described below:

For slopes less than 5%, the vegetated landfill cover will be adequate to ensure sheet flow conditions are maintained. Additionally, the Project is designed to include a 4 to 6-inch-thick berm of open-graded stone placed on the ground surface along the full length of the array rows beneath the array drip edge. Open graded crushed stone will be placed beneath the ballast blocks to a minimum 4-inch depth for the ballasted system of the solar array racking system to meet specified tolerances. The stone pads and crushed stone berms will prevent sheet flow from concentrating.

For slopes of 5-10% and array rows running approximately parallel to contour lines, the vegetated landfill cover, crushed stone pads and berms will be adequate to ensure sheet flow conditions.

For slopes of 5-10% and in areas where array rows run approximately perpendicular to contour lines, the vegetated landfill cover, crushed stone pads and berms will be adequate to ensure sheet flow conditions.

For slopes of 10-15%, the vegetated landfill cover, crushed stone pads and berms will be adequate to ensure sheet flow conditions. Additionally, four sets of diversion berms and level spreaders have been located in key locations throughout the Project Area to promote sheet flow. A stone berm/slope breaker with permanent check dams are proposed to further reduce stormwater flow velocities and promote sheet flow through the array field.

Best Management Practices have been incorporated to ensure the site maintains good drainage. Impervious surfaces are disconnected and routed over low maintenance grass to the maximum extent practical.

The SWPCP includes the following:

- Storm water mitigation and management resources
- Temporary erosion prevention measures
- Temporary sediment control measures
- Permanent erosion and sediment control measures
- Best management practices (“BMPs”) regarding erosion control
- Inspection and maintenance
- Pollution prevention measures
- Final stabilization plan for long-term soil stability

## **EROSION AND SEDIMENT CONTROL PLAN**

USS Torrington Solar LLC will comply with the requirements outlined above, including obtaining a CTDEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities prior to construction. Our racking equipment is very accommodating of various terrain types and topography. Please refer to Appendix I for the erosion and sediment control site plan.

Due to the Solar Array size, site topography, and existing closed landfill conditions, temporary sediment basins are not required. The existing landfill slopes are designed to promote runoff and prevent storage. The proposed array layout is designed to take advantage of, and minimize changes to the landfill cover system, so minimal grading is needed for this design. Existing landfill stormwater flow patterns and infrastructure, including berms and riprap lined swales, will be maintained and utilized. In addition to erosion control mix and compost filter socks, we propose addition of check dams within existing flow paths, as necessary.

## **NO HAZARDOUS MATERIALS INVOLVED**

We exclusively use Tier 1 solar panels. The materials that comprise Tier 1 solar panels are the same materials that comprise a cell phone: glass, silicon, silver, aluminum. All the materials used in the Solar Array are stable and fully contained. There is no pollution of the air, groundwater, or surface area of the site on which they sit.

## **DECOMMISSIONING PLAN**

The Solar Array consists of many recyclable materials, including glass, semiconductor material, steel, aluminum, copper, and plastics. When the Solar Array reaches the end of its operational life, the component parts will be dismantled and recycled as described below. We have a lease contract with the property owner, which requires us to decommission and restore the Site at our expense. The decommissioning plan would commence at the end of the lease term or in the event of twelve (12) months of non-operation. At the time of decommissioning, the Solar Array components will be dismantled and removed using minimal impact construction equipment, and materials will be safely recycled or disposed. USS Torrington Solar LLC will be responsible for all the decommissioning costs.

## **REMOVAL PROCESS**

The decommissioning of the Solar Array proceeds in the following reverse order of the installation:

1. The solar system will be disconnected from the utility power grid
2. PV modules will be disconnected and removed
3. Electrical cables will be removed and recycled off-site

4. PV module racking will be removed and recycled off-site
5. Concrete ballasts will be removed and recycled off-site
6. Electrical devices, including transformers and inverters, will be removed and recycled off-site
7. Concrete pads will be removed and recycled off-site
8. Fencing will be removed and recycled off-site

The Site may be converted to other uses in accordance with applicable landfill reuse regulations at the time of decommissioning. There are no permanent changes to the Site, and it will be returned in its original condition. This is one of the advantages of community solar arrays.

## INSURANCE INFORMATION

USS Torrington Solar LLC will be required to meet insurance requirements under long-term contracts with several parties, including the site landowner, Eversource and its Solar Array lenders and investors. USS Torrington Solar LLC will be listed on a policy that includes:

- Liability coverage that will include \$1,000,000 in coverage against damage to rented property
- Excess liability coverage of an additional \$1,000,000 per occurrence
- Property coverage in an amount necessary to cover the value of the Solar Array and up to one year of lost revenue in the event the Project is destroyed and needs to be rebuilt

## PROJECT OWNERSHIP

The applicant, USS Torrington Solar LLC, is a subsidiary of US Solar. USS Torrington Solar is the owner of the Project. Please find more information about US Solar at [www.us-solar.com](http://www.us-solar.com).

## INTERCONNECTION WITH EVERSOURCE ENERGY

The proposed electrical interconnection will be located near the Site's existing gravel entrance from Vista Drive and will interconnect with Eversource's overhead electrical system in the Vista Drive right-of-way. The proposed interconnection will require the installation of three (3) new utility poles and electrical switchgear equipment mounted on a ground level concrete pad adjacent to the Site's access driveway. From the ground mounted equipment, the interconnection will extend underground to the proposed solar fields with approximately 2,000 ft of underground medium voltage electrical cables. The underground alignment will follow the proposed Project access roads and the Site's existing gravel access road. The interconnection will be performed in accordance with Eversource's technical standards and State of Connecticut, ISO-New England ("ISO-NE"), and Federal Energy Regulatory Commission ("FERC") requirements.

USS Torrington received interconnection approval from Eversource on 7/27/22 for the 1.99 MWac Project. USS Torrington Solar LLC has an interconnection agreement in place with Eversource with an anticipated in service date of 1/31/25. Refer to Appendix II for more information.

## MANUFACTURER'S SPECIFICATIONS

USS Torrington Solar LLC uses only Tier 1 solar modules. Tier 1 solar modules are manufactured to the highest quality, performance, and lifespan, produced by companies that have at least a five-year history in manufacturing them. Countless banks and financiers have vetted these modules. They are designed to absorb light and reflect less than 2% of the incoming sunlight, which is less than many natural features, including water, snow, crops, and grass. There will be no material impact from glare.

The Project is using Tier 1 string inverters for this Solar Array installed throughout the site. The inverters and electrical cabinets are enclosed and will meet all applicable codes and requirements.

## **CONCLUSION**

USS Torrington Solar LLC has complied with all criteria and requirements of the Connecticut Siting Council, and we respectfully request the approval of this application.

## **APPENDIX I – SITE PLANS AND PROJECT MAPS**

The attached site plans display the specifications of the USS Torrington Solar LLC project.

## **APPENDIX II – INTERCONNECTION AGREEMENT DETAILS**

USS Torrington received interconnection approval from Eversource on 7/27/22 for the 1.99 MWac project. USS Torrington Solar LLC has an interconnection agreement in place with Eversource with an anticipated in service date of 1/31/25, and a copy of that agreement is included as Appendix II.

## **APPENDIX III – MEMORANDUM OF LEASE AGREEMENT**

Appendix III contains an accurate copy of the Memorandum of Lease that has been recorded on the City of Torrington's land records.

Note: US Solar Development LLC is a wholly owned subsidiary of United States Solar Corporation. Prior to construction, US Solar Development LLC will assign the lease to USS Torrington Solar LLC.

## **APPENDIX IV – STORMWATER POLLUTION CONTROL PLAN**

Please see the Stormwater Pollution Control Plan, included as Appendix IV



## **APPENDIX V – ENVIRONMENTAL REPORTS AND DOCUMENTATION**

Various environmental reports and documentation are included in Appendix V, which is attached to this Petition.